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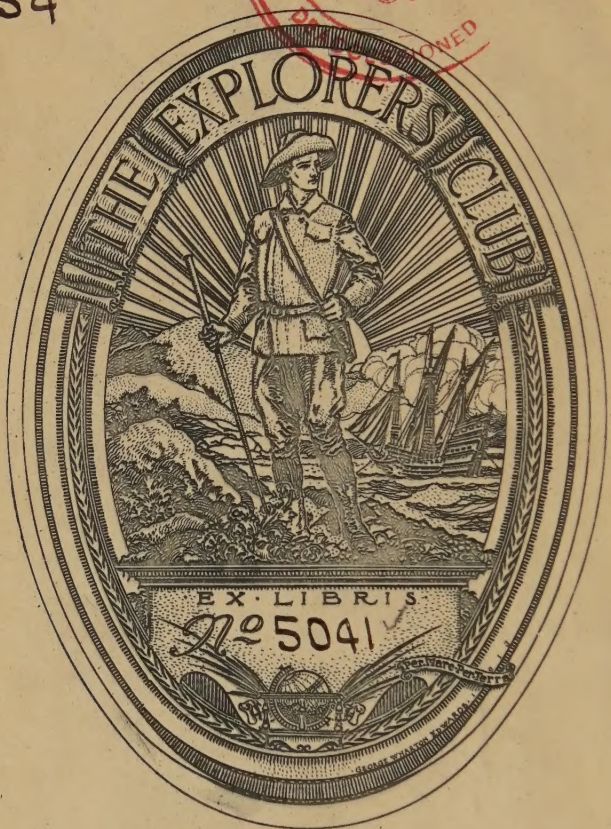

PRESENTED BY
James B. Ford

LOUISIANA UNDER THE RULE OF SPAIN, FRANCE, AND THE UNITED STATES

LOUISIANA

UNDER THE RULE OF

SPAIN, FRANCE, AND THE UNITED STATES

1785-1807

Social, Economic, and Political Conditions
of the Territory represented in the
Louisiana Purchase

as portrayed in hitherto unpublished contemporary accounts
by DR. PAUL ALLIOT and various Spanish, French,
English, and American Officials

Translated or transcribed from the original manuscripts, edited,
annotated, and with bibliography and index by

JAMES ALEXANDER ROBERTSON

With special map of the Territory and
other early maps and plans

VOLUME II

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MAP OF ORLEANS TERRITORY WITH PART OF WEST FLORIDA AND THE TERRITORY OF MISSISSIPPI . *facing page* 82

By Bartolomé Lafon, geographical engineer of New Orleans, 1806, from information obtained from the French, Spaniards, and English in 1805. From the original in the Library of Congress

MAP OF LOUISIANA AND PART OF THE FLORIDAS, 1803 . 151

From the original in Robin's *Voyages*

CORRESPONDENCE OF ENGLISH Ambassadors regarding Louisiana

Thornton to Hawkesbury, January 3 and 31, and May 30, 1803, Washington.

Merry to Hawkesbury, December 6 (two letters), 1803, and June 2, 1804, Georgetown and Washington.

Thornton to Hammond, January 29, 1804, Washington.

BIBLIOGRAPHY: Copied from transcripts in the Department of State, Washington, Bureau of Rolls and Library, Adams Transcripts, British State Papers, vol. i The originals are in the British archives.

I. LETTERS OF THORNTON[1] TO LORD HAWKESBURY[2]

1. LETTER OF JANUARY, 1803

Washington, 3d January, 1803.

My Lord: The cession of Louisiana by the Spaniards to the French was at length introduced into the President's public communications, as likely to affect the relations, which connect the western part of the United States; but this was done in so concise a way, that it would be difficult from thence to infer that there had been already in the affair of New Orleans an immediate subject of disquietude, which gave a peculiar interest to those relations. A motion was therefore very soon made in the House of Representatives by a leading member of the Government party to request from the President all the information, which he had received relating to an infraction of the Treaty of 1795 on the part of Spain;[3] and it was submitted to the House in a communication from the President of which I have the honour of transmitting to Your Lordship a printed copy.

[1] Edward Thornton was in charge of the English legation in the United States at this period. See excerpts of letters by him in Adams's *History*, vol. i.

[2] Lord Robert Hawkesbury (later known as Earl of Liverpool) had signed the preliminaries of peace with France in 1801, while foreign secretary of the British cabinet. After the death of Pitt (1806) he was invited into the cabinet, but declined, and became instead warden of the Cinque Ports (for which he has been considerably criticised). He later became home secretary, and in 1809, secretary of war.

[3] The withdrawal of the right of deposit at New Orleans (*q.v. post*) by the Intendant Morales, which was strictly speaking, no violation of the treaty.

Little more was comprised in the paper than what had been made known to the public in substance through the medium of the public prints; but as the letter of the Governor of the Mississippi Territory to that of New Orleans[4] had not then been answered, it was agreed that no resolution should be taken upon the affair until the answer should arrive. On the 3rd ult° a letter which had been received by the President of the United States (as I am told) from the Spanish Governor was laid before the House; but the communication was read to closed doors, and a certain degree of secrecy has been since observed, so that I can not say with absolute certainty how far the Governor's answer is satisfactory. Nor whether any proposition has been offered in consequence of it by the President for the Adoption of the House of Representatives. I learn however, that the Governor asserts that no orders had been received from the Court of Spain for the purpose of excluding the Americans from their depôt of New Orleans; that the Intendant had determined upon the measure without his concurrence; and that he (the Governor) had transmitted an account of the transaction to his Court, as well as to the Captain-general of Cuba. The latter (I find however upon enquiry) whose interference from his vicinity might be usefully applied, does not possess a direct control over the proceedings of the Intendant at New Orleans, though his rank and station would naturally give him great influence. But the Governor's letter contains, as I understand some assertion of the right of the Court of Spain to exclude the Americans from New Orleans, and confines its obligation to the stipulated term of three years, after which time it might be at liberty to refuse it altogether. An interpretation, which would reduce to a

[4] Claiborne to Salcedo.

very contemptible and precarious advantage the acknowledged right of the navigation of the Mississippi.

I am inclined to believe that the President has accompanied this communication with some account of the mode of proceeding which he has taken, or which he means to adopt. From the language of his Ministers and from the insinuations of some members of the federal party, it will not be I doubt such a measure of vigour, as would place the country on a commanding ground in the negociation with Spain or eventually with France: and the latter persons have some of them designated it to me as likely to be a very foolish thing. But I have in vain attempted to make them more explicit upon the subject.

The general sentiment upon the Affair and upon the Navigation of the Mississippi which is justly regarded as the basis of the prosperity of the Western States, is such as to convince a very superficial observer, that an act of the greatest vigour, such for instance as taking possession of the Island of New Orleans, would be the most popular step the President could take; if it were conducted with tolerable Capacity or seconded by judicious measures for securing hereafter the perfect freedom of that port. If a pacific system be that which Mr. Jefferson is determined to adopt at all events, the greatest danger he has to apprehend will be, either from the inhabitants of the Western States, who, if the negociation should go into great length and the right of depôt be interdicted, will most probably take upon themselves to vindicate their claims by some act of violence: or from the Arrival of the French, with whom a negociation will be conducted on less easy terms than with the Spaniards, and against whom an Act of Vigour will plunge the Country into the very State, which Mr.

Jefferson is anxious to avoid, with a much more formidable and implacable enemy.

The legislature of Kentucky, on the receipt of the Intendant's proclamation from New Orleans, passed with their usual vehemence resolutions, exclaiming against the infraction of the Treaty of Amity, authorizing addresses to the Federal government, and offering their lives and fortunes in support of their just rights. At the present moment, the evil though it *is* felt and still more sensibly in its Apprehended Consequences, does not press very heavily upon the inhabitants of the West, but when the rivers begin to rise after the breaking up of the winter (about the end of February or the beginning of March) at which time the grain and flour and cotton are ready for shipping, it may almost be expected, should the interdict continue, that a body of these bold and lawless Adventurers will attempt, and will undoubtedly succeed in their Attempt, to take New Orleans by a *coup de main*. The town is contemptibly garrisoned, and though its fortifications and Artillery have the Air of great strength, they would rather serve to secure the Conquest afterwards than to prevent it.

But the danger from the French appears to me to be more imminent. There is no doubt that the Captain-general of Cuba, received some time ago orders to prepare for the surrender of Louisiana to the French Commissioners, and troops were expected in time to take possession of New Orleans by the latter end of December. Whether the appearance of new commotions in Europe may retard their departure, or the fatal issue of their campaigns in St. Domingo may divert all their attention from less pressing matters until the final reduction of that Island, is uncertain. But no great number of troops is requisite to take possession of a peaceable

Country ceded by one ally to another, and the mere formality of surrender is in effect as injurious to the United States as if it were put into the hands of a powerful Army. At all events however the advantage of delay to those who are desirous of seeing New Orleans in the hands of the French is inestimable; and I can not help doubting the sincerity or at least the motive of M. d'Yrujo's declarations, that the Intendant's proclamation is unauthorized by his Court, and that it will be revoked on proper representations to Spain or to the Government of Cuba, because that Gentleman (as I have learnt very lately) pique[s] himself upon the share which he had through the medium of M. Adet,[5] the late French Minister, in contributing to the retrocession of Louisiana and in forming thereby an impenetrable barrier against the views of the United States on the Mexican possessions of Spain. An inconceivable policy, which places his Native Country in eternal dependence on a powerful and encroaching neighbour in order to secure distant colonies, which could only sink under the future strength and population of the United States at a very remote period.

I am not entirely of the opinion of M. Pichon[6] and M. d'Yrujo, that the storm is for the moment dispersed. It can at any rate be so only for a short time; and I should hope, My Lord, that by having some share in the delivery of this Island of New Orleans to the United States, which it will be impossible to keep from them,

[5] Pierre Augustus Adet was born at Nevers in 1763. He was the French ambassador to the United States in 1795-1797, and while occupying that office attempted to make Americans declare for France and against England. He died in 1832. There is a volume of Adet letters among the Adams transcripts.

[6] Louis André Pichon was chargé d'affairs for France in the United States after the departure of Adet. He was superseded in 1804 by Turreau, having incurred the displeasure of Napoleon by his too great friendliness to America. There are many letters by him among the Adams transcripts.

whenever they chuse to employ force, His Majesty's Government may hereafter attach still more this country to our interests, and derive all the advantage possible from the intercourse with that important part of the world. A very great change has gradually taken place in the opinions of all ranks in this government in favour of Great Britain, which has struck observers more likely to be impartial than myself. A sense of a common interest has a great share in the change; but the conduct of France in all her relations has not failed to produce its full effect, and I find men, formerly the most vehement in their politics, asserting in the most unqualified terms the necessity of an union among all the members of the civilized world to check her encroachments, and to ensure the general tranquillity.

I have the honour to be with the greatest respect, my Lord, Your Lordship's most obedient humble servant

EDW^D^ THORNTON.

[Endorsed on back: "r[eceived], March 8th."]

2. EXTRACT FROM A LETTER OF JANUARY, 1803

Washington, 31st January, 1803.

From the extended views of ambition and predominance, which the French have discovered in obtaining the cession of Louisiana from the Spaniards, it is hardly to be imagined, that any pecuniary recompence which the Americans would be inclined to offer would induce the former to deprive themselves of an engine so powerful, as the Island of New Orleans would be in their hands, if their views are directed to influence alone, and so necessary, if the colonization and commerce of that extensive country are their principal object. Should possession once be taken of it, there seems to be little room to expect any amicable settlement of the differ-

ence; but the President still rests, on the demand which the Island of St. Domingo will create for every soldier that can be spared, his hopes that the period of transfer will be delayed for some time. But as he is sensible that the question must be decided speedily either by an amicable arrangement or by an appeal to force, he talks of preparations which ought to be made, of gunboats which ought to be built for the navigation of the Mississippi, and he will I believe direct his officers in the Mediterranean to procure models as well of them as of rebecks, if perhaps the latter may suit that delicate navigation.

In the mean time the country seems in general well satisfied with the resolution taken by the House and the measure adopted by himself: and (what is more important) authentic information is received, that the people of Kentucky will wait with patience the result of the steps which the Executive government may think it right to take, without recurring, as was apprehended would be the case, to force for the assertion of their claims. The President regards this circumstance (with great justice it appears to me) as the surest pledge of the continuance of his authority and as the death-blow of the federal party: and your Lordship will judge from the inclosed copy of a letter written by himself to the Governor of Kentucky, he has had no small degree of solicitude on the subject. And that he has taken considerable pains in his own person (as well as most probably through the representation of that State in Congress) to make a favourable impression of his proceedings on their minds.

3. EXTRACT OF A LETTER DETAILING CONVERSATION WITH JEFFERSON

Washington, 30th May, 1803.

[Conversation with Jefferson] On his adverting to the points of attack which Great Britain and France might make on each other, and on the side of the former, the destruction of the French commerce and the capture of all their colonies, I asked him half laughingly what he would say to the invasion of the Floridas and the capture of New Orleans?—adding after a pause, for the purpose of offering them on certain conditions to the Americans. He answered in the same tone, that perhaps this step might endanger their neutrality; but that some day these possessions would become of indispensable necessity to the United States.

It would be very improper to me to occupy Your Lordship's attention at this moment with farther discussions on the subject of Louisiana; but the following seems to be the summary of the best reflections, which I have been able to make as to the influence of that question on the United States. They would prefer (I mean the present American Government) the continuance of the Spaniards in the possession of these Countries and their own enjoyment of their present or greater privileges in the navigation and outlet of the Mississippi, until acquiring greater strength and involved in whatever cause in a war with Spain they could dispossess the latter entirely of the Eastern Bank. They flatter themselves that at a future period they could arrive at the same end, were even the French the masters of those countries; but so many delicate considerations are involved with the neighbourhood of an encroaching and enterprising neighbour, that I am almost persuaded they would accept from any other power, who was in a condition to

offer it to them the cession of these places at every risk of involving themselves in a war with France and Spain, in concert with that power. As to the question, considered exclusively on the side of our relations with the United States, without regarding its possible effect on the British possessions in the American Seas, the most desirable State of things seems to be, that France should become mistress of Louisiana, because her influence in the United States would be by that event lost for ever, and she could only be dispossessed by a concert between Great Britain and America, in a common Cause, which would produce an indissoluble bond of union and amity between the two countries.

II. MERRY[19] TO HAWKESBURY

1. EXTRACT FROM A LETTER OF DECEMBER, 1803

Georgetown, 6 December, 1803.

On other subjects, the only circumstance he mentioned, of which it is necessary for me to trouble Your Lordship with an Account, related to the Question between this Country and Spain respecting Louisiana. The President informed me that he had Reason to believe that the Opposition which the Spanish Minister here has shewn to the Cession by France of that Province to the United States (of which Your Lordship has been fully apprized by Mr. Thornton's Correspondence) has not been without full authority from his government, since it has had a Commencement in some Discussions which had taken Place on the subject with the American Minister at Madrid, and which had taught the Govern-

[19] Antonio Merry succeeded Thornton as British amabassador to the United States, and arrived in Washington, November 4, 1803. Although appointed at the request of Rufus King, he did not have the success anticipated, due to misunderstandings on his side and that of the Washington officials. He was relieved in 1806 and David Montague Erskine appointed his successor.

ment to be prepared to Act with Vigour, on the Occasion, should any real Effect be given by the Court of Spain to the Resistance which they seemed to menace. Their Opposition to the Transaction of the Cession, he said, he understood to be grounded more than on the non-fulfilment on the part of France of the Conditions of the Treaty by which the Territory in Question was made over to that Power, on a formal verbal Promise which had been given by the French Ambassador at Madrid, in the Name of His Government, at the express desire of His Catholic Majesty, some time subsequently to the Conclusion of that Treaty, that Louisiana should never be alienated by France to any other Power. This Circumstance, as well as the Resistance altogether, which Spain had unexpectedly brought forward in Words, Mr. Jefferson considered as highly ridiculous and as shewing a very pitiful Conduct on her Part, since she did not appear to have taken any Measures to support it either by Preparations of Defence on the Spot, or by sending there a Force to endeavour to prevent the Occupation of the country by the Troops of the United States. He concluded by saying that Possession of it would, at all Events, be taken, and he flattered himself that it had been obtained without any Difficulty at the moment we were Conversing, so that he expected to receive an Account in about a Fortnight of the Act of Cession of the Territory by Spain to France, and of the transfer of it by the latter Power to the United States being completed.

2. EXTRACT FROM A LETTER OF DECEMBER, 1803

Georgetown, December 6, 1803.

[Merry complains that the United States has not yet ratified convention signed by Hawkesbury and Rufus King, the American ambassador to Gt. Britain, May 12, 1803. The Americans fear that the stipulations of the fifth article "respecting the River Mississippi might upon Examination prove to interfere with the Territory which the United States have acquired by their late Treaty with France respecting the Cession to them of the Province of Louisiana."]

To the Observation, which in Reply I stated to the American Secretary, that the Object of the Agreement was to secure to Great Britain an Access to the River Mississippi, and that I could not possibly Comprehend in what manner the two Treaties could clash with each other, since to prove this it would be necessary that the American Government should allow, from the mode of fixing the Boundary prescribed by the Fifth Article of the Convention, that some part of the Territory Eastward of the Line stipulated to be drawn belonged to the Crown of Spain as a part of Louisiana, whereas they had always considered it their own Territory.

3. EXTRACT FROM A LETTER OF JUNE, 1804

Washington, 2d June, 1804.

Louisiana is the President's favorite Topic on all Occasions. He introduced it as usual, when I made him a Visit on his return ten days since from his Estate in Virginia, where he had been absent about five Weeks informing me that the Influx of Americans and Persons of other Nations into the Town of New Orleans, since

the Delivery of it to the United States, had been so astonishingly great, that it had already become almost impossible for them to be accommodated with Habitations of any Kind, and that every succeeding Account from the ceded Territory furnished fresh Prospects of its affording great Sources of Trade, which led him to say, apparently with a Wish that His Majesty's Government might adopt the Idea, that he supposed they would soon think of appointing a Consul at New Orleans – an Expression on his Part which I deem it necessary to report to your Lordship because it would seem to imply clearly that no objection will be made here to such an Appointment, should it be thought requisite.

III. THORNTON TO HAMMOND[20]

[Private; extract]

Washington, 29th January, 1804.

When I compare the Complexion of Mr. Merry's Correspondence with that of my own, particularly during the Course of the last Summer, before the Intelligence of the Louisiana Purchase reached this Country, I can scarcely credit the Testimony of my own Senses in examining the Turn which Affairs have taken, and the manifest Illwill discovered towards us by the Government at the present Moment. [He thinks the change came from the first news of the Purchase.]

The Cession of Louisiana, notwithstanding that the Circumstances under which it was made, ought to convince the vainest of men that he was not the sole Agent in the Transaction, has elevated the President beyond Imagination in his own Opinion and I have no Doubt

[20] George Hammond was under secretary for foreign affairs.

that he thinks of securing himself at the next Election by having to boast of Concessions and Advantages derived from us, similar to those he has gained from France, that is, great in appearance and at a comparatively insignificant Expence.

LETTERS FROM PREFECT LAUSsat to Decres

Six letters dated: An xi [1803], 29 Germinal [April 18], 28 Floréal [May 17], 30 Floréal [May 19], 30 Messidor [July 18], 20 Thermidor [August 17], and an xii [1804], 18 Germinal [April 7], New Orleans.

BIBLIOGRAPHY: All translated from Department of State, Washington, Bureau of Rolls and Library, Adams Transcripts, French State Papers. The Adams Transcripts were made in the French Archives, Paris, section Louisiana.

LETTERS FROM LAUSSAT TO DECRES

I. LETTER FROM LAUSSAT, APRIL 18, 1803

New Orleans, an xi, 29 Germinal [i.e., April 18, 1803].

CITIZEN MINISTER: At the end of last Vendémiare (October 16, 1802), the intendant of Louisiana for his Catholic Majesty ordered the *suspension of deposit*[21] which the Anglo-American enjoyed at New Orleans by virtue of article XXII of the treaty of 1795 between the king of Spain and the United States.[22]

[21] Morales's decree prohibiting New Orleans longer to be used as a place of deposit by Americans, which bears date of October 16, 1802, is in part as follows:

"As long as it was necessary to tolerate the commerce of neutrals, which is now abolished, it would have been prejudicial to the province had the Intendant, in compliance with his duty, prevented the deposit in this city, of the property of the Americans, granted to them by the twenty-second article of the Treaty of Friendship, Limits, and Navigation, of the 27th of October, 1795, during the limited term of three years.

"With the publication of the ratification of the Treaty of Amiens and the reëstablishment of the communication between the English and Spanish subjects, that inconvenience has ceased. Considering that the twenty-second article of the said treaty takes from me the power of continuing the toleration which necessity required; since, after the fulfillment of the said term, this Ministry can no longer consent to it without an express order of the King; therefore, and without prejudice to the exportation of what has been admitted in proper time, I order, that from this date, the privilege which the Americans had of importing and depositing their merchandise and effects in this capital, shall be interdicted: and, that the foregoing may be publicly known, and that nobody may allege ignorance, I order it to be published in the usual places, copies to be posted up in the public *sitios*; and that the necessary notice be given of it to the officers of finance, the administrator of rents, and otherwise, as may be necessary."

See: *State papers and correspondence bearing upon the purchase of the territory of Louisiana* (Washington, 1903), 54, 55; *Province and the States*, vol. ii, 142-176.

[22] This article is as follows:

"In consequence of the stipulations contained in the iv article, his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandise and effects in the port of New Orleans, and to export them from thence without paying any other duty

That suspension has become the object of many bitter paragraphs in the public papers of the United States, of some addresses to the president of the Confederation, and finally of demands of the president, which Mr. James Monroe has been charged by him to go, with the title of minister extraordinary, to maintain at Paris.

As soon as I had entered the Mississippi, I received through the Spanish intendant, Morales,[23] a pocket of despatches, from the commissioner general Pichon, chargé d'affaires for the French Republic to the United States, dated 20 Pluviose last [i.e., February 8], of which the superscription was to the captain-general or to me.

I enclose herewith my copies with my answer of the twelfth of this month [i.e., April 1].

My purpose in this has been quite evidently to decline for my part all judgment and all knowledge of the matter, in order to leave it entirely to the decision of the government. But I owe to it the observations that my presence on the spot has permitted me to make.

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than a fair price for the hire of the stores; and his Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the Mississippi an equivalent establishment."

See: Snow. *Treaties*, 108.

[23] Juan Buenaventura Morales, intendant of Louisiana is described by Perrin du Lac [*Voyage*, 391, 392] as "a man of low extraction . . . evil by nature. He bears to excess his hatred for the French, whom he injures for the pleasure of injuring." He had made his fortune out of his office and was sunk in vice. Claiborne in his letter of May 24, 1804 says:

"There exists a great hatred between the Marquis of Casa Calvo and the late Intendant Morales, and at this time their exertions are mutual to ruin each other. The contest is taking such a direction that, the probability is, one of them will lose the confidence of the Court; my private opinion is that, the Marquis is infinitely the most deserving character, and I therefore wish and hope he may triumph over his rival."

Part of Claiborne's dislike of Morales arose from the fact of the interdict of deposit, and for his grants of lands in that part of West Florida claimed by the United States, and his continuing to exercise the functions of his office in New Orleans after the transfer. Folch as well as Casa Calvo was hostile to him. See: Gayarré. *History*, vol. iv, 69 *et seq.*

It is doubted whether the intendant had any positive order to dare take such a step. The governor here has been obstinately opposed to it, which all but ended in a fine act of violence. The intendant has firmly and determinedly persisted. He has, so to say, taken it by main force.

Señor Martinez de Yrujo [M. Martinez d'Yruyo], minister plenipotentiary for his Catholic Majesty to the United States has just written him during these last few days a veritable diatribe thereupon full of reproaches and anger.

It appears that this occurrence has been viewed under a quite Anglo-American aspect, thanks to [*au tour*] the president of the United States, even by the very agents of France and especially of Spain.

The lively excitement he has stirred up in the various states of the Confederation is trumpeted abroad loudly; and especially in the western states, is it magnified. They speak of extreme resolutions and of hostile movements. Already to believe those rumors of it, levies of men are being made, supplies are being prepared, and an army of eighty thousand men is about to descend on us from the shores of the Ohio. Señor de Yrujo himself is not ashamed to adopt those clamors officially and to insist on them.

The French government will not be the dupe of them. Such is not its custom at this time.

There is no region, as is known, where there are so many political barkers as in the United States of America. Each little state there has its gazette, and a few voices may easily give themselves the tone of public opinion. On this occasion they were the cries of private persons, for the blow strikes the interests of many of the merchants.

However, the boats that descend the river from Tennessee [*Tenessee*], Kentucky [*Kentucki*] and even from the back of the Appalachians are landing here every day at this season. Their unanimous reports are that those countries are quiet, that not a squad is being organized there; that they are much more concerned there with the bad harvests of the year and the best means of selling what they have.

The intendant, on his side, has informed me quite freely of the reasons for his measure. I have even read his correspondence with the cabinet of Madrid in regard to the entrepôt. The troubles that arose from it were deplorable.

Spain felt it keenly, did not cease to entertain the intendant with it, was trying constantly to apply some remedy to oppose it, and in one of its last letters let slip that after all, the right of deposit was only for three years.

Señor Morales, a man of capacity and experience, regarded the circumstance of the retrocession as the most favorable and only opportunity to seize in order to reconsider a matter that had been badly determined upon. After the peace with England, the ports of the Spanish colonies were about to be closed to foreigners.[24] That measure embarrassed Louisiana but it became simply an illusion so long as the entrepôt existed there. One might suppose that it was prolonged beyond three years, not because of the clause of the treaty the term of which had expired, but because of the access to it granted to neutrals during the war; that if, in default of this entrepôt, another was promised by that treaty to the Anglo-Americans along the river, it was their fault that measures had not been taken at the end of the three years

[24] I.e., after the peace of 1783

stipulated, either for the preservation of the same or for its substitute. In all events, Spain, which was about to lose Louisiana, was entering into a quarrel there of no consequence, and the French Republic, which was about to acquire that colony with the pledge of maintaining there the execution of treaties in accordance with the existing condition of affairs, ought to be very glad that that condition either was the least harmful possible, or was such that it placed it in a position of seeing itself engaged in the most advantageous negotiations.

It must be admitted, whatever be the final result of the matter, that that was a good policy, and that France is under real obligations to Señor Morales.

The entrepôt, in reality, is only a large door, constantly, publicly, inviolably, and inevitably opened in favor of the Anglo-Americans to a smuggling trade without bounds and privileged in all Louisiana, and by means of Louisiana, in all the Spanish colonies in its vicinity.

The Anglo-American flag eclipses by its number here those of France and Spain. In front of the city and along its quays, there are at this moment fifty-five Anglo-American ships to ten French.[25]

They are poisoning these countries with English goods, with which French goods can not compete. The French expeditions are, at the very moment I am writing, ruining all their outfitters. It is a pity to see both cargo and stock, end by being put up at auction at a loss of half or three-fourths, to seek a price below the level of the selling price of the Anglo-American cargo and stock. The latter fill the shops, and are brought in free of duty.

[25] See volume i, note 63, the statistics regarding shipping.

So long as that abuse is perpetuated, there is no practicable method of placing even any restrictions on it and of adopting any regulations which at least would allow the mother country to maintain the struggle and guaranty it protective encouragements.

The Anglo-Americans are the most dreaded rivals in the world in point of commerce. They are not content with the employment of a great appearance of industry, activity, and economy, they shamelessly arrogate to themselves, the advantage, precarious, it is true, but in the meantime fatal to others and contagious in itself, of bad faith and contempt for the laws.

There are honorable exceptions among them, and already I know some of them in this city. But we are discussing here the generality of this mixture of so many peoples.

My opinion in this regard, of which the French government is too enlightened not to appreciate the justice, will, nevertheless, not injure my reports of good harmony and of good relations with them as public men.

Their pretensions as to this country, their pamphlets, and their insolent words on the retrocession, and their fury not at all disguised at seeing us about to retake possession, are doubtless worth no more than a moment's attention of the French government. But your Excellency must be told that immediately before my arrival, there were movements among the negroes, either in the city or above the city; that a certain Anglo-American was arrested; and that the Anglo-Americans have been compromised and have been deeply suspected of being the soul of that mischief, to which I scorn to give the name of conspiracy. Had I been in the exercise of my duties, it is likely that my discoveries in that affair, would not have turned to their glory.

A short distance from us, Natchez, that post famous in the history of Louisiana as the original settlement of the French for their first labors and their first successes, for their misfortunes, and for their vengeance – that post, one of the most important and most flourishing – was lately ceded to the United States through the weakness or lack of local ideas of the Spanish government. Already that district is growing and prospering under the Anglo-Americans. Already, although as yet having a population of only eight thousand souls, it has none the less been given a political existence. It is erected into a state. Their legislative authorities, in their solemn and public acts pompously and ambitiously style themselves General Assembly of the Representatives of the Territory of Mississippi – as if the thousandth part of the territory of the Mississippi belonged to them, or as if they were one day certain of ruling over that vast territory!

I herewith enclose you the act erecting the town of Natchez into a city under date of March tenth last, exactly as it was printed by authority. It is interesting as a point of departure of this rising power, and furnishes a subject for several remarks which will not escape the penetration of the French government.

It is especially from that part of the country that have come the most virulent declarations on the retrocession of Louisiana and the pretended after thought of the First Consul.

In general, however, and it is important for our government not to ignore it, the western states of the United States, differing from their northern states, contain a great majority of inhabitants attached to the Republic, Jefferson, or French Party, in comparison to those attached to the Federal, Adams, or English Party. That

inclination of heart must be carefully and strictly maintained in those countries.

This leads us to examine the question of the entrepôt under another guise; for if it is a scourge in regard to imports in the hands of the Anglo-American navigators and merchants, New Orleans and Louisiana have on the other hand an immense interest in remaining the depositaries, the factors, and the agents of the exports of the western Anglo-American states.

If New Orleans has been peopled and has acquired importance and capital, it is due neither to Spain nor to the Louisianians properly so-called. It is due to three hundred thousand planters who in twenty years have swarmed over the eastern plains of the Mississippi, and have cultivated them, and who have no other outlet than this river and no other port than New Orleans.

The suspension of the entrepôt is, considered under this point of view, subject to contradiction; and even, let us say, evidently harmful. The annoying results have not failed to be felt already, and it was necessary for the intendant, even before my arrival, to establish a modification with relation to flour.

Consequently, the question is becoming complicated.

In regard to it, I have provoked the expression of various opinions among the merchants of this city. I have heard many of them. It goes without saying that all those were in accord who profited from dealings with the inhabitants of Kentucky, Tennessee, and Natchitoches, both Anglo-Americans and English, and cried out against it; while those who had their chief relations with France or Spain agreed in applauding it.

I conclude, Citizen Minister, that a decision in this matter of prime importance to this colony demands a searching examination, independent of all interested insinuations.

The pure and simple reëstablishment of the entrepôt would be one of the most dangerous evils now or ever, and which it would become afterward more and more impossible to remedy.

If the First Consul, in his wisdom, considers it advisable to prolong the negotiations entered into by the United States, I shall take here, in concert with the captain-general, after mature reflection and after I shall have obtained a full knowledge of the localities, any compromise preferable in regard to the entrepôt and at least any that it seems advisable to try.

A just distinction, if possible, must above all be introduced between the interests of the Anglo-American States identified here with us, and the interests of the merchant marine and all British commerce of the Anglo-Americans of the coasts.

I can not yet say how nor whether I shall succeed in it, but I shall bend all my energy to it.

We shall urge the pretext of the state suffering from the measures and demands which have arisen to retrench us in having recourse to provisional measures.

Such is the conduct that I propose myself, if I find no obstacle to it, when Louisiana shall have been transferred to us. I shall not fail to render you an immediate account of it.

One single sentiment animates me, namely, at once that of acting for the greatest welfare of the colony, and by thus proving myself worthy the confidence of the government, to merit its approval and yours.

This matter has occasioned so great a sensation and so many remarks in this region that I thought I could not be excused from presenting it to you in all its details.

Greeting and respect, LAUSSAT.

II. LETTER FROM LAUSSAT, MAY 17, 1803

New Orleans, an xi, 28 Floréal [i.e., May 17, 1803].

CITIZEN MINISTER: I herewith enclose you the following, to wit:

First. A copy of the letter which I have received from Citizen Pichon, Commissioner of Commercial Relations, and Chargé d'Affaires for France at Washington City, dated 29 Germinal last [i.e., April 18].

Second. A translation and a copy of the order given by the Cabinet of Madrid for the reëstablishment of the Anglo-American depôt in this city.[26]

That order was published and posted this morning.

If the Spanish government had made use of the usual mail packets from Havana to send its orders to the Intendant of this colony, it is quite apparent that the order would have found us in possession and consequently would not have arrived too late.

I can not, as colonial prefect, but complain at seeing such a fine opportunity escape the French government to obtain, in accord with that article of the treaty of 1795, explanations or interpretations a little less unfavorable to the interest of French commerce and industry. You may assure the First Consul that there was not an

[26] Morales's decree proved fatal to the inhabitants of New Orleans, while it aroused the most bitter denunciation of the Americans. Jefferson writing to Livingston, February 3, 1803, instructs him to work diligently for the cession of New Orleans by France to the United States. James Ross of Pennsylvania introduced a set of resolutions in the Senate, February 16, 1803, stating the right of the United States to the navigation of the Mississippi and deposit at New Orleans, and moving that the president be authorized to take suitable measures to obtain those objects. The resolutions provide for troops and money if violence be necessary. The debate on this question lasted from February 14-25, but in the end, milder counsels prevailed, and the resolutions proposed by Breckenridge of Kentucky were adopted. See: *Speeches of Mr. Ross and Mr. Morris* (Philadelphia, 1803); *Report of a debate in the Sen. of the U.S. on the 23d, 24th, and 25th of February, 1803* (Philadelphia, 1803); and Barbé-Marbois. *Histoire* (Paris, 1829), 232, 233, *et seq.*

inhabitant of the United States who did not expect that. If the right of deposit is to exist as it has existed, it would be better to declare that English manufactures and the Anglo-American marine have the exclusive privilege of this colony.

I can scarcely persuade myself that the court of Madrid has taken such a step without the concurrence of the French government. I can scarcely conceive also that that court should have had that haste so contrary to its wont, of sending its orders by the intermediary even of its diplomatic minister to the United States, instead of having them follow the channel of the colonial authorities.

The Anglo-Americans are very proud.

I fear that Señor Yrujo has written from Washington City in terms of great alarm, as he wrote here, and that his government has believed him too easily.

Whatever it be, such a denouement has the consequences of opinion that do not save our political position in regard to the United States in these countries. Salutations and respect, LAUSSAT.

III. LETTER FROM LAUSSAT, MAY 19, 1803

New Orleans, an xi, 30 Floréal [i.e., May 19, 1803].

CITIZEN MINISTER: In enclosing you herewith the duplicate of my letter of the 28th of the current month [i.e., May 17] on *the Anglo-American entrepôt*, it is fitting for me to add some observations, the knowledge of which belongs to the country, and which may not, perhaps, be indifferent to the French government.

The entrepôt has then been reëstablished on its first footing. As a result, the Anglo-Americans may deposit their goods and effects at New Orleans without other payment than a storage fee; and at the end of three years

if Spain should find that this depôt is too prejudicial to it, it may replace this entrepôt by another one equal to it on the banks of the Mississippi.

Now this deposit has been made hitherto on simple declarations, by leaving the goods in the warehouses of private persons. That caused the storage fee to be turned to the profit of commerce, as is the custom between merchants.

It is imagined, if it be possible, in a city and in a country open on all sides, ever to prevent (thanks to these pretended depôts) people from fraudulently introducing whatever they wish.

But in order to induce the Anglo-Americans themselves to desire modifications in the treaty, and to renew a negotiation which the French government should end by taking part in it, there would be nothing to do beyond really depositing the goods in the *national magazines*. They would be taken out only on good security, and the storage fee would be enforced, so that by that means the loss of the customs duty would be more or less made up.

There would also be another way in which to make the treaty either null or onerous to the Anglo-Americans: namely, in the very terms of the treaty, that the entrepôt at New Orleans is harmful to us; and that, consequently, as has been stipulated, France grants an equivalent one, either below the city of Balise, or near the mouths of the river, where the place would not be tenable, or above near the Iberville River, where the Anglo-American vessels could go only after a too long, too difficult, and too costly navigation.

As it is not beyond probability that, in spite of the determination of the court of Madrid, the cabinet of St. Cloud might yet enter into negotiation on this matter

with the minister plenipotentiary, Monroe, who has been sent to the First Consul, I thought that at all events I owed your Excellency these local information and ideas. Salutation and respect, LAUSSAT.

IV. LETTER FROM LAUSSAT, JULY 18, 1803

New Orleans, an xi, 30 Messidor [i.e., July 18, 1803].

Secret

CITIZEN MINISTER: Pardon, your Excellency, for using this paper and so small writing, but I earnestly desire this despatch to reach you and I must employ great precaution.

My very feeble state of health will not prevent my making an effort on myself in order to report to you the matters that I believe it important for you to know.

A gazette from Jamaica has apprised me of the war between France and Great Britain.[27] I can have no doubts of it, for I have read the message of the king of England to his Parliament, the order to issue letters of marque, and already even the announcement of some prizes.

In such a situation, I must no longer conceal from you the condition of affairs in this country.

My arrival and my proclamation excited the enthusiasm of the people here. Everywhere addresses were made to the First Consul, the most ardent prayers for the speedy arrival of the expedition, the most energetic expression of thoroughly French devotion. I have sustained as much as possible these sentiments of happy augury. Unfortunately everything seems to have conspired successively to destroy them.

Señor de Salcedo, the governor, is an impotent old

[27] Napoleon had signed peace with Gt. Britain in March, 1801. England formally declared war against France, May 18, 1803.

man in his dotage. His son, a young infantry officer, and very immature, was the real governor in his father's name.

But the soul of the government rested on a certain Don Andres Lopez de Remesto [i.e., Armesto], a kind of half-lettered person, who has grown old here in the performance of the duties of government secretary. The king of Spain appoints the incumbent of the latter office. He [i.e., Armesto] has seen a succession of several governors pass before him. He has known all the intrigues of the colony for twenty years. He has a great fund of cunning [*souplesse*] toward his superiors, and much arrogance outside. He has his creatures in each district, whose interests he espouses warmly, and for cause.

The judge who is called here the *auditor-lieutenant of the governor*, is an old stager of justice, who sells his judgments almost openly, and who alone judges the most important processes, both civil and criminal.

Moreover, venality is general and open. The intendant alone is not suspected of it.

The Marqués de Sommeruelos, captain-general of Havana, on whom this government depends, apparently felt that the aged Señor de Salcedo was not presentable to the French, at the time of the transfer of the colony. Whether it originated from him or immediately from Madrid, the Marqués de Casa-Calvo[28] arrived here in

[28] Sebastián Calvo de la Puerta, second marqués de Casa Calvo was born at Havana and died at Paris, May 20, 1820. He chose a military career at an early age and rose rapidly to the rank of mariscal de campo. He was first taken to Louisiana by Governor O'Reilly, with whom he was connected by marriage. He was governor of Louisiana (1799-1801) and was later one of the commissioners appointed to transfer that province to France. His long stay in American territory after the transfer to the United States aroused the suspicions of American officials and he was requested to leave the country. In 1806 he went to Madrid, where he made the mistake of joining the French party. On the downfall of French influence in Spain, he was compelled to

this city five weeks after we with the title of commissioner of the king and deputy to the governor for the transfer of the colony.

Then there was a complete change of face.

The Marqués de Casa-Calvo, allied by marriage to O'Reilly, and whose niece, to boot, has married O'Reilly's son and heir, accompanied that general as a cadet or page, and saw, when eighteen years of age, the falling of the six French heads which that leader caused to be sacrificed needlessly and by pure cruelty in obedience to a false policy and his personal ambition.

Later (January and the month following in 1793), the Marqués de Casa-Calvo was in command at Fort Dauphin in San Domingo. He was there at the head of his troops, and under arms, when the blacks, led by Jean François cut the throats of seven hundred and seventy-one defenseless Frenchmen, who were living quietly under the faith of treaties. The colonists of San Domingo still speak of it with horror, and the English papers which caricatured the name of the Marqués de Casa-Calvo under the name of Caracolo,[29] reported it with indignation. If your Excellency please, you may obtain full information of it [*se contenter*] also by referring to the *Moniteur*, of an iii, 28 Brumaire [i.e., Nov. 13, 1791], no. 58.

The government of Louisiana having been left vacant by death about four years ago, the captain-general of Havana sent here the Marqués de Casa-Calvo as military commandant *ad interim*. The war caused him to stay here for eighteen months, and he left the reputation of a violent man who hated the French.

leave that country, and accordingly passed the rest of his life in Paris. See: *Dic. encic. Hisp.-Amer.*, vol. iv, 280; and Gayarré. *Hist.*, vols. iii and iv.

[29] Possibly for *Caracolito* "snail;" or perhaps simply a misspelling by the paper.

By what fatality has this same man been exactly entrusted to receive the French here, to transfer to them a colony which the Spaniards of this country, and especially of Havana, regret to have to treat for with us because of many accessory interests.

The Marqués de Casa-Calvo no sooner set foot on this shore than he summoned all the military officers (and thanks to the militia, there is not an inhabitant of any little note who is not considered a military officer) to meet him in order to sign by *yes* or *no*, whether they would remain in the service of the king of Spain. And observe, Citizen Minister, that on the answer, depended the pensions and the fortune of an infinite number of them. They have gone also to exact a *yes* from the two companies of men of color of this city, which compose all the workmen of the city. Two of those mulattoes came to me to complain that they were kept twenty-four hours in prison in order to compel them to give the fatal *yes*.

They have employed a priest at *Terre aux Boeufs*, where a fine class of small colonists exist who were transplanted from the Canaries, and he has made those simple men promise that they would follow the Spaniards.

An order has been given to the commandants of the several posts to submit the vicar and the inhabitants to the same test. The entire clergy has submitted to it.

And the expedition never arrived! And I saw such things, without being able to take offense at them, for fear of making them worse![30]

The [Spanish] government became more difficult, extremely reserved, and almost arrogant toward me. The communication between us narrowed to mere nothings because of the bad manners they displayed in it. Insen-

[30] The intended expedition under General Victor. See vol. i, note 155.

sibly at first, the men of rank [*hommes à placer*], then the Spaniards, then their adherents, and finally the mob of timid people, were afraid to come near me; and now it would be little short of a crime. For my every question, the government has quite ready an evasive answer. The government avoids me, it isolates me, it spies on me. My least action and my most insignificant sentence give it umbrage. It fears to accord me the most simple thing. I often oppose to it my firmness and the sentiments of my dignity, but also I often reflect that the government has the opportunity, the means, and the knowledge of how to be revenged on the friends of the French, without my being able to prevent it, and I keep my just vexation locked up in my heart. The Atakapas are peopled by French families who have been unable to conceal their joy at our return. A native of Bordeaux (St. Julien) a worthy and estimable planter, has had the thoughtlessness to use the word *citizen* in some letters: a great conspiracy, a government order to bring him here, as prisoner. Meanwhile, while enjoying the cool of the evening on his balcony, he receives two musket shots, one of which kills his wife. He defends himself. He receives six broken ribs, and is left for dead on the spot. He is revived: he is a scoundrel and a rascal who killed his wife himself, who probably also put himself at death's door![31] The commandant of the post, Monsieur Leblanc, a military man of the greatest honor, a descendant of the St-Denis[32] who founded Natchitoches

[31] This case created great discussion, and many letters and other documents exist regarding it. See note 119.

[32] Luis Juchereau de St. Denis (Denys). He was born at Quebec, Sept. 18, 1676, and was the son of Nicholas Juchereau, Sieur de St. Denis. His first expedition to Mexico was in 1714, when he was sent thither by Governor Cadillac to trade for Crozat. One of the best accounts of his voyages and adventures will be found in Clark's recent monograph on the beginnings of Texas published as a bulletin by the University of Texas. See, also: Wallace, J. *Illi-*

[*Nakitoches*] was in the city during that occurrence. But he passes as a good Frenchman. He was dismissed and ordered to stay in New Orleans, afar from his home, until further advice. A Monsieur Duralde was substituted for him, a creature of the government secretary, a great demonstrator of exclusive and blind zeal for Spain, and to prove it, a declared persecutor of everyone in his district who avows himself to be French. Men are shot there; civil war reigns there; these people here carefully conceal it, and would, of all things, desire us not to have any suspicion of it.

The inhabitant of the country, who can not separate himself from us, causes me to ask privately, whether it is, then, necessary for him to give up these.

That miserable Burthe[33] has also for too long a time contributed, by his violent and indiscreet words, to make the arrival of our troops dreaded; and by his outbreaks against me, to discredit the influence of our government.

Finally, the Anglo-Americans, who infest this city, have not discontinued to affirm here, and to have gazettes sent here which affirm that war has broken out; that the French would never take possession of Louisiana; that England does not want it; that Spain would retain possession of it; and that the left bank of the river would finally be given to them. There is no one so insolent as they are in this city; they already believe themselves at home; on the 4th of July last, they drank this toast:

> May we, a year hence, celebrate this holiday in this Anglo-American land.[34]

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nois and Louisiana under French rule (Cincinnati, 1893), 242-245; and Garrison, George P. *Texas* (Boston and New York, 1903).

[33] The adjutant general and chief of staff of the troops commanded by General Victor. He and Laussat quarreled violently. See: Du Terrage, Villiers. *Dernières années de la Louisiane Française* (Paris, 1903), 412, note 2.

[34] See Claiborne's letter of July 5, 1804 to Madison.

At this moment, they are pointing to this paragraph [in the gazette] of May nineteenth last:

> The differences between France and England have well served the arrival of Ambassador Monroe. The First Consul cedes Louisiana to the United States.

Do not deceive yourself, Citizen Minister, this silliness is of vast foulness. It has spread into the western states. "*If it is not true, it must become so*," they end by saying. Little by little that goes on fermenting in their heads, and a population of at least three or four hundred thousand souls is being prepared for the idea, for the desire, and for the attempt of an invasion. Was it not in this wise that advantage was taken last winter of the pretext of an entrepôt in order to work it in that sense?

If the Spaniards remain the masters, I would not at all be surprised to see this plan carried out, so much do the Anglo-Americans despise them. And yet the Spanish government of this country pampers them, and is not offended at the spread and accrediting of their pretended news. The government sees me now at its side, and for the moment has more fear of being ousted by the French. My presence annoys it, and it thinks of nothing else than to try to obscure and paralyze it.

I have depicted in natural colors, Citizen Minister, my disagreeable position and the wretched condition of the colony.

Either it is destined to remain in the hands of the Spaniards until the end of the war, or the First Consul will persist in his intentions of taking possession of it.

In the first case, I am far from sure that the Spaniards will keep it: one thousand two hundred Anglo-American chasseurs could drive them this moment from this

city and from the left bank, so to say, without striking a blow.

Nevertheless, the national honor demands that no person be punished for rejoicing because the French have returned; and that, in a colony which really belongs to France, since the treaty exists, and since Tuscany has been transferred as an exchange to Spain, to feel the French blood and to recognize brothers in the French, be not made a reason for proscription. Therefore, it is absolutely necessary to demand of the cabinet at Madrid that it send hither a secretary, an auditor, and above all a governor, or even a commissioner for the transfer of the colony, who will not undertake to treat the French as enemies, and who should know well that neither the First Consul nor the king of Spain would suffer that. At the same time, may the present agents incur the public disgrace which they merit and which may be a satisfaction to this colony and an example to their successors.

Under all hypotheses, the majesty of the French government and its political power on the globe, require that these agents be highly reprimanded by their sovereign for their present conduct.

Supposing now it continues the intention of the First Consul to take possession, I do not think that it would be difficult for him to have good troops of one thousand eight hundred or two thousand one hundred men sent here from San Domingo, with some good engineers and artillerymen, and at their head a good brigadier-general, of a character at once moderate, conciliating, and determined. I understand, as you see, Citizen Minister, that the First Consul would do me the honor to charge me to take that possession. I would very quickly reanimate the public mind; I would arouse the emulation of the colonists, whose excellent militia forces would be em-

ployed by the general. I would endeavor to frenchify even the Spaniards. I would assure myself of the regard of the Creeks [*Creecks*] and Choctaws, the only savages who, in the present circumstance are worth the trouble of being won over. I would watch the Anglo-American of the west in the midst of those savages. The general, I imagine, on his side, would determine to concentrate all his forces in Lower Louisiana along the river from the Iberville River to New Orleans. It would be for the Spaniards to guard Baton Rouge well, since that place remains to them. It would be essential, however, not to leave us without money, and it might be arranged with the cabinet at Madrid so that I could be assured of being able to obtain it at Vera-Cruz.

I know not whether this is a false presumption, but I am intimately persuaded, Citizen Minister, that I would render you in this way a good account of this colony. If the First Consul considers it more fitting to send a general of division to act as captain-general such an one ought on entering the colony to declare it in a state of war. I would be the first to counsel him to do so; then it would remain for me only to be the passive witness of his successes, and I would invoke them in my prayers.

Whatever be the decision of the First Consul, your Excellency needs no assurance from me that I shall await it with impatience, and that I shall welcome it zealously and eagerly. I beg you to remember my existence and that I am very far from my fatherland. My sole regret is to see the days and months passing from me without my rendering it any profit. I have not received a despatch from you, Citizen Minister, since my departure from France seven months ago.

You can count on the accuracy of all that I write you, and I suggest to you that I am keeping in mind con-

tinually that the government must base thereon results of prime importance.

I repeat, in closing, to your Excellency that the more I study this colony, the more I am convinced that it is impossible for the Republic to acquire anywhere any other colony so valuable. Salutation and respect,

LAUSSAT.

P.S. I neglected to observe to your Excellency that in case possession be taken in the way that I propose, by first taking the necessary precaution, as a good rule, to provide the means for a forced retreat, it could be easily effected on Pensacola, by means of boats on the lakes. But it would also be necessary for France to oblige Spain to keep there during the war, a vessel of the third class with two frigates and some light ships, unless (as I do not assume) France would prefer to keep them there itself.

V. LETTER FROM LAUSSAT, AUGUST 17, 1803

New Orleans, an xi, 20 Thermidor [i.e., August 17, 1803].

CITIZEN MINISTER: The courier sent overland from Washington City (United States) brought here the day before yesterday, the printed bulletin herewith enclosed. It is the official news of the cession of Louisiana to the United States by a treaty signed at Paris, 10 Floréal last [i.e., April 30].[35]

This bulletin which has been scattered about profusely and is accompanied by letters setting forth the conditions and other details of that arrangement has produced a considerable sensation here. The Anglo-Americans are extravagant in their joy. Most of the

[35] This treaty and the two conventions of the same date appear in many publications. See: the *American State Papers*, "Foreign Relations."

Spaniards, between joy at seeing this colony escape French domination and the regret of losing it themselves, have the stupidity to show themselves satisfied. The French, that is to say, nine-tenths of the population, are stupified and disconsolate; they speak only of selling out and fleeing far from this country.

For my part, I am quieting them and telling them (as I believe) that this news, in whatever character it be viewed, is an improbable and impudent lie. I see in it only a matter for cabal on the part of the party in power which, at this moment of the elections in the United States and on the eve of the expiration of Jefferson's presidency, has thought to throw this news suddenly into the midst of the electoral college in order to create more favor for the partisans of the present president.

The effect that results from it is to electrify the heads of the Anglo-Americans more and more for the possession of Louisiana and to discourage French affections for it.

Under this point of view, these lies are productive of much evil. Salutation and respect. LAUSSAT.

VI. LETTER FROM LAUSSAT, APRIL 7, 1804

New Orleans, an xii, 18 Germinal [i.e., April 7, 1804].

CITIZEN MINISTER: After having done my best to justify, during the time that I have passed here, the confidence of the First Consul, and to represent worthily the French Republic, I am at last on the eve of my departure.

The government could apparently justly reproach me for not having informed it before of the condition in which I leave affairs and the temper here.[36]

[36] See the letter of Claiborne to Madison, in which many of the matters mentioned by Laussat are discussed.

The Louisianian, as I have already informed your Excellency, saw himself with regret rejected for the second time from the bosom of his ancient mother country, and in general at the first interpreted, and commented on the cession with great bitterness. The Spaniards secretly incited them to it, out of spite to the predilection which that country had always maintained for France not less than from national hatred, in which the intrigues and the very signal examples of one of their chiefs were quite suitable to nourish and inflame them.

The inclination and the views of the Spaniards were, besides, wonderfully served by the natural antipathy of the Louisianians for the Americans.

Nevertheless, as the time approached for the change of sovereignty, partly through love of novelty, and partly in hope of the advantages whose brilliant prospect had been depicted to them, perhaps also through a forced resignation to the fate that they were unable to avoid, they were very well disposed to come under the government of the United States.[37]

But scarcely had the agents of the United States taken the reins than they made blunder after blunder and mistake after mistake. I shall spare your Excellency the useless details of it.

In short, the sudden introduction of the English language, which almost no one understands, in the daily exercise of authority and in the most important acts of

[37] Laussat wrote shortly after his arrival about New Orleans society as follows:

"The society of New Orleans is filled with the tittle-tattle of small cities, but there are many people. The men have abandon and are frank. Their entertainments are mixed with toasts and songs with old refrains. The women have a good tone and charming figures. Men and women join to a natural elegance an extremely remarkable address. The luxury and the manner of dress resemble those of Paris. The intendant, Morales, whose harsh character has excited enemies is at least incorruptible and beyond suspicions. . . God! what a detestable policy is that of the present government, what chicanery, what venality!"

See: Du Terrage, Villiers. *Dernières Années*, 406, 407.

life; quarrels and uproar to determine which should have the ascendancy at the public balls, the English or the French quadrille; a bayonet charge into the dance hall; the desertion and closing of the balls; active participation of the American general and governor in these quarrels; the inconsistent measures that followed; a revolting partiality in the admission of and in the judgments in favor of the native Americans or English; the substitution of American majorities for Creole majorities in the administrative and judicial corps; the arbitrary confusion of old customs (under pretext that no innovations have yet been made in the forms of governing) and new customs (under pretext that the sovereignty has been changed); indiscreet words, harmful precautions, a bad circle, scandalous orgies, savage manners, reprobate choices—what shall I say, Citizen Minister? It was scarcely possible for the government of the United States to begin worse, and scarcely could it send two men (Messrs. Claiborne, as governor, and Wilkinson, as general) less suited to win their hearts. The first, with charming private qualities, has few means and great awkwardness, and is extremely below his place. The second, already known here for a long time under ugly reports, is an illogical fellow, full of queer whims, and often drunk, who has been guilty of innumerable silly inconsistencies. Neither one understands a word of French or Spanish. They have thoroughly and regardlessly run counter to the habits, prejudices, and character of the people of the country. The Philadelphia gazettes have lately published, under some unknown misconception, a confidential despatch from Governor Claiborne to President Jefferson, in which he treats the Louisianians as ignorant and just about like good children, with whom one may venture everything,

but incapable of feeling the advantages of the American laws, of having the enjoyment of them through themselves, and of governing themselves.

As though to finish driving them to extremities, at the same time came the drafts of the bills of organization of the provisional government of Louisiana that passed Congress.[38] The importation of negroes there is abol-

[38] Jefferson's letter to Gallatin, November 9, 1803, outlines his ideas on the organization of the government of Louisiana:

"The memoranda you enclosed me from Mr. Clarke deserves great attention. Such articles of them as depend on the executive shall be arranged for the next post. The following articles belong to the legislature.

"The administration of justice to be prompt. Perhaps the judges should be obliged to hold their courts weekly, at least for some time to come.

"The ships of resident owners to be naturalized, and in general the laws of the U.S., respecting navigation, importation, exportation, etc., to be extended to the ports of the ceded territory.

"The hospital to be provided for.

"Slaves not to be imported, except from such of the U.S. as prohibit importation.

"Without looking at the old territorial ordinance, I had imagined it best to found a government for the territory or territories of lower Louisiana on that basis. But on examining it, I find it will not do at all; that it would turn all their laws topsy turvy. Still I believe it best to appoint a governor and three judges, with legislative powers; only providing that the judges shall form the laws, and the governor have a negative only, subject further to the negative of a national legislature. The existing laws of the country being now in force, the new legislature will of course introduce the trial by jury in criminal cases, first; the habeas corpus, the freedom of the press, freedom of religion, etc., as soon as can be, and in general draw their laws and organization to the mould of ours by degrees as they find practicable without exciting too much discontent. In proportion as we find the people there riper for receiving these first principles of freedom, congress may from session to session confirm their enjoyment of them.

. . . . . .

"P.S. My idea that upper Louisiana should be continued under its present form of government, only making it subordinate to the national government, and independent of lower Louisiana. No other government can protect it from intruders."— *Old South Leaflets*, vol. vi, 22, 23.

Breckenridge reported a bill (sponsored also by J. Q. Adams) December 30, 1803, for the organization of the government of Louisiana. After lengthy debate and some amendment, this was passed in March, 1804. See: Adams. *History*, vol. ii, 120, *et seq.*; and Gayarré. *History*, vol. iv, 1-5. Of this bill, Pichon wrote as follows to Talleyrand, March 19, 1804:

"The bill to organize the government of La. is always being discussed in the House of Repr. Lately it has been proposed to add a very important clause to it. This clause has as its object to declare null concessions made by the Spanish authorities in Upper Louisiana subsequent to the treaty of San Ildefonso which retroceded that colony to us. It appears that after that treaty and even after that between us and the United States the Spanish agents have made concessions or rather considerable sales of land, and that in the uncertainty of

ished point blank. The present inhabitant of Lower Louisiana could not have been attacked in a more vulnerable spot. Any person whoever, who shall have resided one year in the territory is declared eligible for the exercise of any public duty, even those of the territorial legislature. Consequently, since the new régime is not to begin until the month of next October, the legislative council, the composition of which is in the hands of the president, may easily be delayed until December or January, and it is expected to be ruled by a majority of Americans, most of them newcomers and the scum of the other states of the federation. Congress omits nothing, even to the new order for local elections. Your Excellency could hear on all sides: "Are these, then, the boasted benefits of the cession by France? Are these, then, the liberties, the preservation of which France has apparently desired to guaranty to Louisiana by an express clause of the treaty? Is it thus that France summons us to all the rights, privileges, and immunities of the citizens of the United States?"

During the night of Saturday to Sunday last, placards, on which was parodied the *Idylle des Moutons* of Madame Deshoulières were found to have been affixed at all the street corners. They openly preached insurrection. They were copied by many. They prevented the removal of the placards. They repulsed even the sheriffs who tried to undertake that.

The posts, especially those of the Atakapas and of the Opelousas, which are the most densely peopled, and

the fate of West Florida, they have also made immense sales in that province. It will not be easy to execute the resumption in Upper Louisiana. There are a great number of Americans in that territory whom Spain attracted thither by the bait of concessions fifteen or twenty years ago, and who will have profited by the facility of the moment to acquire land for but little. Many adventurers from the east bank will also have made purchases, and in those wildernesses, possession is a title that the law can not easily contest."

which have always been notable for their ardent love for France, do not manifest more favorable inclinations.

I have been content to observe in silence, or if I have been provoked to break my silence, I have done so by concurring in an opinion with the treaty of cession, and by asserting that it was henceforth impossible ever to retract such a step.

The Louisianians refuse to be absolutely persuaded. They feed themselves on the idea that the First Consul has yielded to circumstances, but that when peace shall have been made, and when the insolence of Great Britain shall have been humbled, the cession of Louisiana will be undone. They fix that policy as suits them and firmly believe it. They do not conceal it. They told it to me, and tell it even to the American governor and general. The *Union*, which is the official paper of the latter gentlemen, has uselessly raged against this popular rumor.

For my part, Citizen Minister, I am far from sharing this opinion. I do not even regard this dream in the rank of possibility. I think, on the contrary, that Louisiana once emancipated from its colonial bonds with Europe, it would be against nature, considering its position for it ever to regain them.

It is not less true, first, that as an acquisition for money, the United States have found the secret of paying for it, at a price much below what it was worth to them and which they would have consented to pay for it; and second, that France loses in it an extremely valuable and deeply affectionate colony.

Notwithstanding the germ of animosity against the government of the United States, which is fermenting at present, will miscarry of its own accord, unless indeed, anyone has the awkwardness to irritate it. These

people are naturally mild, although touchy, proud, and brave. They are, besides, few in number and scattered, and without experience and with no rallying point. The Spanish government strove to keep them away from public affairs, and accustomed them to regard them with indifference and a sort of abrogation. The Louisianian will not recover from that all at once; and meanwhile he will have learned his advantages so much better that, however much the chiefs may go astray or fall into error, it is from the advantages attached to the Constitution and to the situation of the United States, the happy influence of which this country can not be prevented from soon feeling and recognizing.

But, on the contrary, if it is abandoned to the impulse that is being given to it, I regard it from now on as not existing longer for France. The Americans, in general, hate us. The least English of them even, is, in spite of his magnificent and hypocritical protestations, much more English than French. Not a day passes in which they have not furnished me with the proof of this. Add to this the resources of the English commerce. Have no doubt, it is England who will exploit Louisiana quite for its own profit. The privileges reserved to France and Spain for twelve years by the treaty of cession will become illusory.

This probable direction of things may be counterbalanced by the innate attachment and original sympathy of the Louisianians for the French. But one of the most speedy effects of the change of sovereignty is going to be a complete revolution in the basis of the population of these countries. The best part of the principal properties will have changed hands there in less than ten years. The ancient colonists will be disgusted, repulsed, dispossessed, driven out. The gov-

ernment of the United States does not conceal the fact that all Lower Louisiana opens to it its finest and vastest regions. It will never rest until it will have succeeded, either by main force or by cunning, in having this key held by Americans by heart and blood.

If our government should ever continue its views with regard to this country, it could only be, in my opinion, by detaching totally its western states from the federation of the United States. Far from that undertaking being foolish, it would, on the contrary, have innumerable chances in its favor. Time of itself will bring about that scission some day. But the essential thing for the French Republic in that event, would be to have the scission take place under its protection and while French generations and the French spirit still dominate its shores. The consequences of the scission would then infallibly redound to the profit of our nation; and Louisiana in such a condition of political independence and filial alliance would be of more inestimable value to France than the most brilliant colonies.

Such, it would seem to me, is to-day the only point of view, under which still to consider these countries to its interest, except to await sooner or later, according to circumstances, the end which I have indicated.

Moreover, that policy would be quite in accord with that which is agreeable to Spain in this part of the world.

The guaranty of the treaty of cession, the obligation of which our Republic seems to have imposed upon itself in regard to the Louisianians, will furnish it for a long time the occasions of intervening for them and of maintaining its connection in their bosoms.

Whatever be the result, the government must not forget that the most profitable thing it loses here is the

facility of a vast smuggling trade [*commerce interlope*] fully organized with the neighboring Spanish possessions. Our manufactures would have found an inexhaustible outlet there and would have taken thence a considerable portion of the piastres of Mexico. In this regard, France will not regain so advantageous a post.

But I shall profit by the occasion to recall to your Excellency one means of provisionally supplying it up to a certain point with very good success. This would be for our Republic to obtain from Spain permission for our trade to be admitted to the Island of Carmen in order to go there to buy campechy wood. That island is located between 18° and 19° of north latitude, and 93° and 94° of longitude, in the southern part of the Gulf of Mexico, at the west angle of the Yucatan Peninsula. We enjoyed that privilege there thirty or forty years ago. French families settled there then, and their descendants are there still. I have seen them at times in this city. On that account and under pretext of buying campechy wood there resulted and would result lucrative relations with the surrounding parts of the continent of America. We could do in the Bay of Carmen what the English are doing in the Bay of Honduras. The smuggling trade, already favored by a like position, would increase also by the nature of our connections with Europe and Spain.

In thus paying this tribute of my reflections to your Excellency, and in making it a part of the fruit of my observations for my fatherland during a year's sojourn on these shores, I believe that I have acquitted myself in a matter which from now on is to become strange to me, of one of the last duties of the mission with which the First Consul was pleased to honor me here. Greeting and respect, LAUSSAT.

TALLEYRAND TO DECRES

An xi, 4 Prairial [May 23, 1803], Paris.

BIBLIOGRAPHY: Translated from the transcript in the Department of State, Washington, Bureau of Rolls and Library, Adams Transcripts, French State Papers. The transcript was made from the original in the French archives.

TALLEYRAND TO DECRES

Paris, an xi, 4 Prairial [i.e., May 23, 1803].

CITIZEN MINISTER: I have the honor to send you a copy of the treaty by which France cedes Louisiana to the United States.

The desire to spare the continent of North America from the war that threatened it, of settling various points of litigation between the Republic and the United States, and to remove all new causes for misunderstanding that their competition and neighborhood would have given rise to between them; the position of the French colonies, their need of men, agriculture, and aid; and finally, the force of circumstances, foresight for the future, and the intention of compensating by an advantageous arrangement for the inevitable loss of a country which war was about to place at the mercy of another nation: all these reasons have decided the government to cause all the rights that it had acquired from Spain to the sovereignty and to the possession of Louisiana to pass to the United States.

Citizen Minister, please take measures so that that country, where it suffices henceforth to send a French commissioner, who may take possession of it, may be transferred by that agent to the disposition of the United States, in the same condition in which it was ceded to us by Spain, and under the reservation of the advantages assured to our navigation and to our commerce by the treaty of which I have the honor to inform you. I have the honor to salute you, [TALLEYRAND]

THE CASA IRUJO CORRESPONDENCE

Casa Irujo to Ceballos, July 24 and August 3, 1803, Philadelphia.
Casa Irujo to Madison [copy], September 4, 1803, Philadelphia.
Casa Irujo to Ceballos, September 12, 1803, Philadelphia.
Casa Irujo to Madison, September 27, 1803, near Philadelphia.
Casa Irujo to Ceballos, September 30, 1803, Germantown near Philadelphia.
Casa Irujo to Madison, October 12, 1803, Baltimore.
Casa Irujo to Ceballos, October 16, 1803, Baltimore.
Ceballos to Casa Irujo, October 20 and 27, 1803, San Lorenzo.
Casa Irujo to Casa Calvo, November 1, 1803, Washington.
Casa Irujo to Ceballos, November 4, 5 (two letters), and 15, 1803, Washington.
Address to the people of New Orleans, 1803 [Washington ?]. Enclosed in Casa Irujo's despatch of November 15.
Ceballos to Casa Irujo, December 6, 1803, and January 6 and 9 (two letters), 1804. San Lorenzo, Toledo, and Aranjuez.
Casa Irujo to Ceballos, February 21 and 22, and June 12, 1804, Washington and Philadelphia.

BIBLIOGRAPHY: All except Casa Irujo's letter to Casa Calvo, November 1, 1803, translated from the transcripts in the Department of State, Washington, Bureau of Rolls and Library, Adams Transcripts, Casa Yrujo Papers. The transcripts were made from the Spanish archives. The letter to Casa Calvo (which exists also in the Casa Yrujo papers) is translated from the Library of Congress, Division of Manuscripts, East Florida Papers, to and from ministers and consuls, 1803-1805, 105, A 9.

Throughout this section, Adams's *History of the United States* (especially vols. i, ii, and iii) should be consulted.

I. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: In one of my last despatches I communicated to your Excellency that this Department of State had confirmed to me the cession of Louisiana to the United States, but that this government still was at that time ignorant of the price of the sale. Since then, a copy of the treaty signed on April 30, at Paris, to this effect, has been received, and it appears that the conditions of the sale are as follows:

1st. They are to pay France eleven million two hundred and fifty thousand duros, in stock bearing six per cent interest which this country will create and consolidate for that purpose.[39] This sum is to be delivered, as appears, three months after the exchange of ratifications and the taking of possession on the part of the United States. The extension of territory is defined in general terms, referring to that which Louisiana had when the king our lord ceded it to France.

2nd. The United States take on themselves the payment of the amount of the claims of the citizens of these States, proceeding from prizes made by the French in accordance with the spirit of the compact signed September 30, 1800, between the United States and the French Republic. Those claims are to be paid by the treasury of these States, with vouchers given by the

[39] The houses of Hope and La Bouchère of Amsterdam and Baring of London floated the stock created for the purchase. The Bank of France refused to negotiate it. London or Amsterdam was preferred by the Americans. See: Barbé-Marbois. *Histoire*, 331, *et seq.*

American minister at Paris. It is fully understood that the sum to be applied for this purpose is not to exceed three million seven hundred and fifty thousand duros.

3d. The French and Spanish ships and goods direct from their respective ports shall not pay in the ports of the territory ceded, for the space of twelve years, any higher duties than those paid by American citizens, and this privilege is not to be extended during the said period to any other foreign nation. The treaty is to be ratified and the ratifications are to be exchanged within the period of six months from its date.

Such are the circumstances provided for in this transaction. Although I do not doubt that the French government will have communicated these particulars to our government, I thought it, notwithstanding, to be my duty to inform your Excellency of them.

The President of the United States has, in consequence, summoned Congress to meet October 17, next, in order to present the treaty to the Senate for its ratification, and also so that in case of its approval the House of Representatives (which is the chamber that holds the public pursestrings) may take the necessary measures for creating the bonds at six per cent interest in accordance with the agreement of said treaty.

May God preserve your Excellency many years. Your Excellency, your most attentive and grateful servant kisses your Excellency's hands.

THE MARQUÉS DE CASA YRUJO.

Philadelphia, July 24, 1803.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsed: "No. 351. Philadelphia, August 3, 1803. The Marqués de Casa Yrujo to his Excellency, Don Pedro Cevallos y Guerra. Important reflections on the Cession of Louisiana, etc."]

II. CASA IRUJO TO CEBALLOS

IMPORTANT REFLECTIONS ON THE CESSION OF LOUISIANA, ETC.

YOUR EXCELLENCY:

DEAR SIR: We have just learned that Mr. Munroe [i.e., Monroe], American envoy, after having signed the treaty at Paris by which the United States acquired possession of Louisiana, went to Madrid for the purpose of continuing the negotiations begun by Mr. Pinckney for the cession of the Floridas by us to them. The lack of inclination of the king our lord to enter into such an agreement must have increased after the cession of Louisiana. If your Excellency has read the letters which I have had the honor to write you recently, in which I have taken the liberty to express my opinion and some of the reasons on which it is based, in order to show that the Floridas are of more importance to us than ever before, since France has ceded Louisiana to this country, I have little doubt that the nation will conserve the principal bulwark, which remains to it for the defense of New Mexico in the manner that I have indicated. The ports of Florida while they would be very useful to us in greatly inconveniencing the commerce of the Americans in case of a war with the latter, would give them, if they possess those ports, the same means of inconveniencing ours, and of making from these ports (especially from Pensacola and Mobile) an immense contraband trade with our possession on the Gulf of Mexico. This last is, in my opinion, the greatest evil that will result to us from the acquisition of Louisiana by the Americans. This only can be decreased by numerous vigilant and active revenue vessels [*guarda-costas*]. Furthermore, I do not look upon the aliena-

tion of Louisiana as a loss to Spain. That colony cost us heavily and produced very little for us. Considered under a mercantile aspect, Spain had very little communication by sea with it and the product of its customs was very far from being sufficient to liquidate the expenses of its establishment. As a military position, or as a barrier, it was too extensive and too weak for us to attain our object. The few troops scattered in platoons in St. Louis, Florrissante, St. Genevieve, New Madrid, and Arkansas, could not offer resistance to a serious attack.[40] These points of Upper Louisiana were in reality the keys to New Orleans, since they dominated when they were properly garrisoned, the navigation of the upper part of the river, but those detachments weakened the means of defense of New Orleans.

Among the things which we still have for destroying any wild attempt of the Americans to penetrate to New Mexico are, the important position of Havana, and the superiority of our naval forces, with which we could blockade the mouths of said river, thus working an irreparable evil to the inhabitants of the western states. The latter are the only ones who, by their position and enterprising spirit, could be the instruments of an attempt to penetrate to New Mexico. Your Excellency may be assured that this is a very powerful check which still remains to us for restraining the efforts of the lawless ambition of those citizens. This arm is of so great strength that we shall have nothing to fear from such attempts so long as we possess it. Consequently, we must always keep the arsenal of Havana well equipped and with a certain number of warships always ready to operate.

Since I have considered, both in my previous letters

[40] For matter regarding these settlements, see: Houck. *History of Missouri*, and *Spanish Régime in Missouri*.

and in the present letter, the manner in which the cession of Louisiana to the Americans may affect us, the dangers that may follow, and the means which human prudence may suggest for preventing them, I shall now proceed to show the probable effects that that acquisition will have in the Republic of the United States. The immense extension of its territory produces such a diversity of local interests that it is almost impossible to form one whole from its possessions without harming the interests of the agriculture of one section and of the commerce of the other. The Southern States, that is the Carolinas and Georgia, have lately undertaken with so great energy and so good a result, the cultivation of cotton, that last year they exported more than twenty million pounds of it to England. That precious plant was cultivated to some extent in Mississippi, but since the local conditions are more favorable for this kind of cultivation in Mississippi than in the said Southern States, there will naturally result a rivalry because of the similarity of products. This will produce jealousy and very little harmony among the inhabitants of those southern ports. By this same principle, the Middle Atlantic States, that is, Virginia, Maryland, the small State of Delaware, and those of Pennsylvania and New York, will anticipate with anxiety the results of the acquisition of Louisiana and the facilities of the inhabitants of that section—first, for competing with, and afterward for decreasing very considerably, their commerce. The commerce of these Middle Atlantic States consists principally in flour, wheat, maize, salt pork, and some other things of less importance. The Western States and Upper Louisiana, reduced to agriculture, will furnish within a few years by means of the mouths of the Mississippi such a quantity of products of the same kind, and so much more

cheaply, that this will give them a decided advantage in those products, both in the western islands and in the markets of Europe. This condition, although its results are but just beginning to be seen, has already created the same jealousies, and for the same reasons, between the Atlantic States and the Western States, as those which I anticipate will arise between the Southern States and the inhabitants of the southern shores of the Mississippi.

This diversity of local interests, which manifests itself daily in the Congress of the United States, will probably be the germ of the dismemberment and division of those states. So much the greater as is the progress in each one of those states, so much the greater will be felt the results of those jealousies. One does not need extraordinary wisdom to anticipate that the acquisition of Louisiana, far from consolidating the strength and vigor of this nation, will rather contribute to weaken it by its greater extension, and to accelerate the epoch in which the bonds of the Union must be broken, which are founded on interests too incoherent to be durable.

It is not only the diversity of local interests which will produce that upheaval some day; variety, or rather, opposition of political opinions, pronounced and sustained with a virulence and intolerance scarcely believable, are already marking out some of the divisional lines. The Eastern States, that is, New Hampshire, Massachusetts, Vermont, Rhode Island, and Connecticut, will together share the same fate. Their contiguity and the uniformity, generally speaking, of their political and religious opinions, will keep them inseparable for a very long time. The chain of the Allegheny Mountains, which divides the Atlantic from the Western

States, will probably be the boundaries or the line of their separation. The Southern States, in which is established the capital, and in which the customs, opinions, and interests are almost uniform, probably will form in time another great division. I say in time, since this political prophesy which the whole world anticipates and which is discussed openly in the country, will probably be many years in being fulfilled. To prevent these evils which threaten this country at some distant time, perhaps, General Hamilton, the principal force of the Federal Party, had suggested, when he held in his hands the fear of the government,[41] to increase the national debt as much as possible; for if the capitalists of all the states were interested in the debt of the nation, their own private interest would cause them to employ all their might in the preservation of the Union, on which their fortunes would, in a certain sense, depend. He regarded as a slight disadvantage the weight of a debt large in proportion to the resources of the country which were always increasing. The Republicans, who are in control today, have followed different principles and, were it not for the new pecuniary obligations which have just been made with France, and provided they can conserve the outside and the union within the house, would have entirely paid the national debt, which today does not reach seventy millions of duros, in seventeen or eighteen years.

The acquisition of Louisiana is important for the United States, so far as it assures them the mouth of the Mississippi, but the acquisition of the vast territories, which the above-mentioned province is supposed to contain, is truly an evil, insomuch as it gives an extent of territory already before burdensome to the United

[41] The transcript of the original reads "cuando tiene en los manos el temor del Gobierno."

States.[42] It is true that until now we have seen its population increase in an incalculable ratio; but, notwithstanding the territory which they possess is now so extensive that even supposing the continuation of the same ratio—which is not believable—two centuries at least would be necessary to populate the country as heavily as are some of the most deserted provinces of Spain. But, even supposing that they had the said population within two centuries, it is beyond doubt a bad policy to enter now upon expenses, and the acquisition of a greater territory; for if a united and compact population of one hundred and fifty millions of souls could be created, by the end of two hundred years there is not the slightest doubt but that they would not lack the means to acquire more lands when they needed them. Considering the present boundaries, namely, the lakes at the north, the Mississippi at the west, and the Atlantic Ocean at the east, it is inconceivable what can be the policy by passing the natural boundary of the Mississippi, in order to embrace in addition a vast extent of territory. Surely they do not need lands. Those which they have today are, through their extent, difficult to conserve and productive of a weakness which arises naturally from the dispersion of the inhabitants over so large a surface. That they have no need of lands appears clearly by those which they already possess. The United States have within their borders not less than six hundred millions of acres, of which scarcely thirty millions are under cultivation,

[42] This is the literal translation. The meaning is clearly that the territory owned by the United States before the acquisition of Louisiana was a burden because of its extent. Collot [*Voyage*, vol. ii, 389] says:

"Natural frontiers of Louisiana on the east are the Alleghanies, and consequently the people inhabiting all the region between those mountains and the left bank of the Mississippi River should be incorporated with those of Louisiana, in order to make of them but one single nation. Without that, one will see this colony succumb or its destruction, and this fate it will experience to whatever power it belongs."

and of the thirty millions not ten millions are cultivated with the perfection of which they are susceptible. The population is somewhat more than five millions. This, if it were concentrated in three states of New York, New Jersey, and Pennsylvania, which contain one hundred thousand square miles, would only give fifty inhabitants to each square mile. England, Scotland, and Ireland, which together have not so great an extent as Virginia and North Carolina, contain a population about three times greater than that of the whole United States, and some of them have cultivated scarcely more than half their lands.

The government of the United States today possesses two hundred and fifty millions of acres of the best lands, in which not an inch has been cultivated; and the single states and private persons possess at least two hundred and fifty millions of acres in their primitive condition. Hence the result of these is five hundred millions of acres uncultivated and for sale. All France, before the revolution, contained, according to Fourge, one hundred and twenty millions of acres, and England some eighty millions. If it were possible to bring half the population of Europe to this country, and settle them on uncultivated lands, there would yet remain sufficient land to accommodate the other half. The United States contain one million square miles; if they were peopled as thickly as England, Germany, France, and other European countries, they would have at least a population of one hundred and fifty millions. In view of the above, your Excellency may see that it is a kind of madness, with only five millions of people already scattered over so extensive a surface, to add a new world of woods to the actual possessions.

These reflections are solid, in my opinion, and ob-

vious for those who think and reflect. Since there are doubtless reasons, by which, with an apparent generosity, they may attempt to dispossess us of the Floridas, by offering us in exchange all the territory of Louisiana west of the Mississippi, yet, as I have made some observations on these suppositions in my former letters, it appears to me useless to repeat them. Suffice it to say, now, that by this acquisition made by the government of the United States, I perceive what I have noted in almost all the measures of this government, namely, the desire of popularity in order to preserve the authority in their hands. The president and some of his ministers are men of too great talent not to know these disadvantages; but, on the other hand, they know that the multitude is ignorant, that the acquisition of a very vast province must flatter greatly the national vanity; and that, consequently, having been the instruments of an act so pleasing to the multitude, this can not do less than obtain their support for the next election, which will be in October of next year.

I have entered into these details so that your Excellency may appreciate the value of the offers which they will make us, and so that I may aid as much as possible in informing your Excellency of the inside conditions of this continent, which are but little known in Europe, because of its distance [from Europe] and its extent. In whatever manner, it must be of the greatest importance for us to make a boundary treaty with the United States, and try to obtain, if possible, a considerable wilderness between the divisional line and our possessions of New Mexico. For this purpose, it would be necessary to send commissioners who had a practical knowledge of that country, since in a country so little known as is the western part of Louisiana, they may commit great

errors if they heed only the imperfect maps that exist. Your Excellency is as convinced as I am of the full importance of this matter, your love to king and fatherland, and your talents and prudence are too distinguished not to adopt the most fitting measures for the security of the king's possessions in that part of the world.

May God preserve your Excellency many years. Your Excellency, your most attentive and grateful servant kisses your Excellency's hands.

THE MARQUÉS DE CASA YRUJO.

Philadelphia, August 3, 1803.

[Addressed: "His Excellency, Don Pedro Cevallos y Guerra."]

[Endorsed in front: "The Marqués de Casa Yrujo to his Excellency, Don Pedro Cevallos y Guerra. Important reflections on the cession of Louisiana, etc."]

III. CASA IRUJO TO MADISON

By means of the ambassador to the king, my master, at Paris, it has come to his royal notice that that government has sold to these United States the province of Louisiana, which his Majesty had retroceded to the French Republic. This news has caused the king, my master, no little surprise, in view of the fact that the French government had contracted with his Majesty the most solemn obligation never to alienate the abovementioned province. In order to convince the government of the United States of the nature of these obligations, I take the liberty to insert here a paragraph from a note presented July 22, 1802, by Monsieur St. Cyr, ambassador of the French Republic at Madrid, to his Majesty's Secretary of State, which is as follows:

> His Catholic Majesty is pleased to desire that France bind itself neither to sell nor to alienate in any manner the owner-

ship and the power of Louisiana. My sovereign is perfectly in accord in this regard with the intentions of the Spanish government. He has desired to enter that territory only because of his wish to have a possession which was formerly a part of French territory. *I am authorized to declare to you in the name of the First Consul that France will never alienate it.*[43] . .

The simple reading of the preceding paragraph will convince your Excellency, as well as the president of the United States, that the sale of Louisiana which was lately made by France is a manifest violation of the obligations contracted by France with his Catholic Majesty, and that France has no authority to alienate said province without the approval of Spain, as is seen beyond all dispute by the above-mentioned promise of Ambassador St. Cyr under authority of his government.

The king, my master, charges me to inform this government, as soon as possible, of this important circumstance. Complying with his royal will, I hasten to bring it to your Excellency's attention, so that you may bring it as soon as possible to the attention of the president of the United States.[44]

[43] This citation is in French in the original letter. On June 6, 1803 [an xi, 16 Prairial] the Spanish ambassador Juan Nicolas de Azara protests against the transfer in a vigorous letter to Talleyrand, in which he quotes this same promise. A transcript of the letter will be found in the Adams transcripts at the Bureau of Rolls and Library, Department of State, Washington, French State Papers.

In his letter to Hammond, December 7, 1803, Merry wrote of Casa Irujo: "The Spanish Minister here I know of old to be an unsignificant unsafe Character, and he is moreover married to an American Lady, the Daughter of a Strong Supporter of the present Administration, circumstances which have made me consider it as advisable not to address myself to him, particularly as it is to be suspected that he has suffered himself to be deprived of his Distinctions without Shewing any Resistance."

Carlos Martinez de Irujo or Yrujo, Marqués de Casa Irujo was for many years Spanish ambassador to the United States. He was married to an American woman, and during the first part of his stay in America was very favorable to Americans, although he later became estranged from the administration. See: Adams. *History*, and Gayarré. *History*.

[44] Casa Irujo also enclosed a copy of this same letter in his letter (no. 379) to Cevallos, November 3, 1803.

May God preserve your Excellency many years. Yours truly, etc.[45] THE MARQUÉS DE CASA YRUJO.
Philadelphia, September 4, 1803.

[Addressed: "Senor Don Jayme [i.e., James] Madison."]

IV. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: As soon as I received your Excellency's letter of June 1, in which you were pleased to enclose me a copy of the letter which your Excellency had written by order of the king, to his ambassador in Paris, in consequence of the sale by the French government to the United States, I handed to the secretary of state here a despatch, of which I have the honor to enclose your Excellency a copy. I have managed to have copied in that despatch whatever has been possible of the words of the above-mentioned letter of your Excellency, and have inserted the paragraph of the letter from Ambassador St. Cyr, in which, authorized by his government, he declares that France will never cede nor sell Louisiana.

Although there is no time for me to have received an answer, as yet, particularly as the president is at his estate [i.e., Monticello], and the secretary of state also is absent from the city of Washington, I believe that I may anticipate that reply easily, and it will be that of supposing France to be the ruler of Louisiana by the retrocession which his Majesty made of that province to that country. This government believes that its purchase contract can not experience the least alteration, and that if France has exceeded its authority, that is a

[45] The Spanish for this phrase is here abbreviated, being simply B. L. M., etc., literally "Kisses your hand, etc."

matter that must be regulated between the French government and the king, our lord, without the United States having to be a party in anything connected with it.

If the president sent to the Senate the despatch, of which I have the honor to enclose a copy to your Excellency, since the opposition is regular toward the Federalists, they will make use of this document to support the formidable arguments that they may make against the immense acquisition of territory of the United States by the purchase of said province; but the Republican Party is so strong in the Senate that I do not dare to flatter myself that they will fail to ratify the treaty on that account.

In any event, your Excellency may assure yourself that I shall be in the federal city before the session of Congress begins, that I shall oversee everything that happens, and that I shall give your Excellency exact and detailed advice of all the occurrences of these negotiations.

May God preserve your Excellency many years. Your Excellency, your most attentive and grateful servant kisses your Excellency's hands.

THE MARQUÉS DE CASA YRUJO.

Philadelphia, September 12, 1803.

[Addressed: "His Excellency, Don Pedro Cevallos."]

[Endorsed: "No. 371. Philadelphia, September 12, 1803. The Marqués de Casa Yrujo to his Excellency Don Pedro Cevallos. He replies to the latter's letter of June 6 [*sic*] and encloses him a copy of a despatch sent to this Department of State in regard to the cession of Louisiana in consequence of said letter of his Excellency."]

V. CASA IRUJO TO MADISON

DESPATCH TO THE SECRETARY OF STATE

MY DEAR SIR: On the fourth of the current month,[46] I had the honor to express to your Excellency the extraordinary surprise with which the king, my master, had heard of the sale of Louisiana to the United States, in violation of the most solemn assurances given in writing to his Majesty by the ambassador of the French Republic at his Court, with the knowledge and approval of the First Consul. The king, my master, charges me again to remind the American government that the above-mentioned French ambassador took the most positive pledge in the name of his Republic that France would never alienate Louisiana, and that I communicate to it that the sale of that province to the United States is founded on the violation of a promise so absolute that it ought to be respected – a promise without which the king, my master, would not, under any circumstances, have let Louisiana go. His Catholic Majesty has too good an opinion of the character for probity and good faith which the government of the United States has so justly been able to gain not to hope that it will suspend the ratification and effect of a treaty which is supported on such a foundation. There are other powerful reasons that come to the support of those of the honor and respect which nations mutually owe one another. France acquired from the king, my master, the retrocession of Louisiana, by pledges, whose complete fulfilment was absolutely necessary to give it complete right to the said province. Such was that of having the king of Tuscany recognised by the powers of Europe; but, until now, the French government has not given

[46] The transcript says "14," but Casa Irujo refers to his letter of the fourth.

that recognition that was promised and stipulated, either from the court of London or that of St. Petersburg. In such circumstances, it is evident that the treaty of sale made between France and the United States does not give the latter any right to acquire and claim Louisiana, and that the principles of justice and of sane policy must counsel their government not to meddle in pledges so contrary in fact to their true interests as such would be to good faith and to their good relations with Spain.

Such are the sentiments that the king, my master, has ordered me to communicate to the president of the United States. Having done so through your Excellency, I conclude by assuring you of my respect and consideration for your person, and of my desires that your Excellency's life may be preserved for many years.[47]

THE MARQUÉS DE CASA YRUJO.

Near Philadelphia, September 27, 1803. [rubric]

[Addressed: "Señor Don Jayme [i.e., James] Madison."]

VI. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: I have already notified your Excellency of the receipt of your letter of June 1, last, and have sent you a copy of the letter which I wrote in consequence thereof to the Secretary of State here, notifying him that

[47] On October 4, 1803, Madison replied to letters from Casa Irujo of September 21 and 27. He expresses the surprise in the United States at Spain's protest to the cession of Louisiana to the Americans. The United States bases the legality of the transaction on the following despatch sent by Cevallos to the American minister at Madrid, May 4, 1803:

"By the retrocession of Louisiana to France, that power recovers said province with the boundaries that it had and with the secure rights that were acquired by other powers. That of the United States may address the French government in order to negotiate the acquisition of territories which concern it."

He expresses further the friendship of the United States for Spain. There is a Spanish version of this letter among the Casa Yrujo Papers. Together with other letters it is published in the American State Papers.

CARTE
Générale du
TERRITOIRE D'ORLÉANS
Comprenant aussi la
FLORIDE OCCIDENTALE
et une Portion du
TERRITOIRE DU MISSISSIPI.
Dressée d'après les Observations des plus Récentes
Par Bn LAFON Ingénieur Géographe à la Nlle Orléans
TERRITOIRE DU MISSISSIPI
PAYS DES TCHACTAS
GRAND PARTI
PETIT
Latitudes & Longitudes
Floride Occidentale
Cte DU QUATCHITA
Cte DES OPPELOUSSAS
Cte DES ATTACAPPAS
DYBERVILLE
LAC PONTCHARTRAIN
LAC BORGNE
CÔTE ALLEMANDE
COMTE DE LA FOURCHE
COMTE DE LA ORLEANS
FLORIDE OCCIDENTALE
GOLPHE DU MEXIQUE

France could not carry out the premeditated sale of Louisiana without violating the most solemn pledges which it had contracted with Spain. In the above-mentioned letter to the secretary of state, I copied almost word for word your Excellency's despatch, which was the motive for the letter, but since the purpose of your letter was not sufficiently pronounced, I feared greatly either lest I was going too far or lest I was making a mistake. That would have been very greatly to be regretted, as it is possible that Congress may order my despatches printed with all the other documents relative to the negotiation of Louisiana, and that they may reach Europe in a manner both authentic and public.

Three days ago the first duplicate of your Excellency's letter of June 25, last, reached me by a different post, and with it the accompanying documents. In view of it, I have just finished writing another despatch to the secretary of state, of which I have the honor to enclose your Excellency a copy. Your Excellency will see by it that I have inserted in it, as best I could, the powerful reasons which I found in the above-mentioned letter of your Excellency, against the sale of Louisiana. As soon as Congress assembles, which will be the seventeenth of the coming month, I shall not fail to make use of your letter, both with this government and with the senators, which body must ratify or not the above-mentioned treaty. I confess to your Excellency that I do not have much confidence in the outcome since the government party can count on more than two-thirds of the votes, which are necessary for the ratification of a treaty, in the present Senate. Since there is scarcely any question in this country which is not converted into a party matter, it is to be feared that the Republican Party, which has so great a majority at present, may sup-

port and sustain this negotiation of the president. By that means they hope to consolidate their popularity more and more, losing sight entirely as to whether its beginnings are just, or whether its results are advantageous to the country. I foresee, notwithstanding, that there will be very lively debates in the Senate on this account, and that the opposition will have magnificent arguments in their contest with the majority. For, really, I believe that the acquisition of Louisiana is an evil for this country. But the acquisition of a so vast province flatters the national vanity greatly and is so powerful an instrument in the hands of the dominant party that I fear that those who compose it have not sufficient virtue to sacrifice their personal interests to those of the public welfare. Notwithstanding, I reiterate to your Excellency that I shall leave nothing undone to realize his Majesty's wishes on this point. Whatever may be the results, I shall advise your Excellency by a very swift vessel, which I shall charter, in order that your Excellency may be informed of an event of so great importance, with the greatest promptness and security.

Meanwhile, I must inform your Excellency that on the twenty-fourth of the current month the chargé d'affaires of the French Republic advised me that he had in his possession the patent of the king, our lord, with your Excellency's rubric attached, and other important documents relative to the cession of Louisiana, of which he desired to keep copies certified by me in case the originals should be lost or destroyed by any accident. As soon as I received your Excellency's letter of June 1, I thought it my duty to gain time by delaying, so long as possible, the transfer of Louisiana. I answered that he should send me the above-mentioned papers. In fact, the chancellor of the French consulate in Philadelphia

brought them to me yesterday, with another letter from the chargé d'affaires of the Republic, and asked me to send him as quickly as possible the certified copies which he had asked of said documents. These were: 1st, a decree of the king, our lord, addressed to the governor of Louisiana; 2d, an order of the First Consul authorizing a person to take possession of the colony in the name of the French Republic (but the [place for the] name of this person was in blank); and 3d, a letter of the minister of the French marine to the governor of New Orleans.

Having seen that the sale of Louisiana has taken place, not only without his Majesty's approval, but even without that fact having come to his notice, and understanding that it is his royal will to destroy that unjust contract, I thought it my duty to refuse politely to give the above-mentioned certified copies, whose tendency could not be less than contrary to his Majesty's wishes. Accordingly, I answered the letter of the chargé d'affaires of the French Republic in the terms that your Excellency will please see in the copy of my letter, which is also enclosed. I have entered into this explanation in order that your Excellency may be fully advised of this little incident, and of my motives for refusing a measure, which in other matters and circumstances would have been one of pure formality.[48]

May God preserve your Excellency many years. Your most attentive and grateful servant kisses your Excellency's hands. THE MARQUÉS DE CASA YRUJO. Germantown, near Philadelphia, September 30, 1803.

[48] The correspondence between Pichon and Casa Irujo regarding the matter discussed in the above letter are found in the Casa Yrujo Papers among the Adams transcripts. Casa Irujo's letter of refusal of Pichon's request (September 27) is dated Germantown, September 29. Pichon replied to this on October 6, to which Casa Irujo replied on October 11.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsement or synopsis at beginning: "No. 374. Germantown, September 30, 1803. The Marqués de Casa Yrujo to his Excellency, Don Pedro Cevallos. He acknowledges the receipt of his letter of June 25, last, and encloses copies of two despatches, one of which was sent to this Secretary of State, and the other to the chargé d'affaires of the French Republic in regard to the Louisiana matter."]

[Directions for official reply: "Approved. Tell him his despatches to that secretary of State, on September 27 and 29, ult., and that to the chargé d'affaires for France, January 2, 1804, have merited the royal approval."]

VII. CASA IRUJO TO MADISON

Attached to despatch number 379

DEAR SIR: I have received your Excellency's[49] letter of the fourth of the current month in reply to those which I had the honor to write you the fourth and twenty-seventh of last month. Since your Excellency, without entering into the examination of the powerful reasons which I expressed in those letters in the name of the king, my master, against the sale of Louisiana, refers in general terms to the explanations which, as you tell me, are to be made in Madrid by the minister of the United States at the court of his Majesty, I shall now state my observations on what your Excellency was pleased to write me. Your Excellency bases your letter on certain expressions which you cite me from a despatch

[49] Casa Irujo in his communications to Madison, uniformly uses the form "Vuestra Señoria." This has been translated "Your Excellency" instead of the more literal "Your Lordship."

of the secretary of state of the king, my master, to the above-mentioned American minister in Spain. Those expressions are as follows:

> By the retrocession of Louisiana to France, that power recovered said province with the boundaries that it had, and with the preservation of the rights acquired by other powers. The power of the United States may address itself to the French government to negotiate the acquisition of lands that pertain to its interests.

These expressions which your Excellency considers as an explicit and positive recognition of the right of the United States and France to enter upon the pledges which have been fulfilled later, do not at all weaken, in my opinion, the fundamental point and the strength of the representations which I have had the honor to make to your Excellency against the sale of Louisiana.

There is one interpretation among those cited by your Excellency that would be sufficient to destroy the inference that your Excellency draws from them, and that is the preservation of the rights acquired by other powers. Although the generality of this expression gives in other respects great latitude to its true meaning, it is unquestionable that since Spain had made retrocession of Louisiana to France under certain conditions and modifications, Spain has also the unquestionable right to demand their execution. Of this nature was the stipulation that France would never sell or alienate Louisiana under any consideration; and of the same nature [was] the solemn and positive declaration and action of the French government which adhered to the desires of Spain. Consequently, this expression destroys the probability that the French government had, under existing circumstances, any right to sell the above-mentioned province, or the government of the United States any right to buy it.

There is another consideration still stronger and not at all exposed to the interpretation of equivocal expressions. It is clear that the pledge made by France with Spain, never to alienate Louisiana under any consideration, antedates very considerably the despatch of Señor Cevallos, whose expressions your Excellency is pleased to quote to me. Therefore, what your Excellency has indicated to me, namely, that *the United States may address the French government in order to negotiate concerning the acquisition of the territory in which they are interested* does not, nor can, signify any other thing than a proof of deference toward France. For it now only belonged to that government to give a decisive reply to the demands of the government of the United States – a reply analogous and conforming to the nature of the previous pledges which France had given to Spain. Also in said expressions can be recognized the repugnance of the Spanish government to give to the government of the United States a refusal necessary at a period when it was united with them by the bonds of the most sincere friendship.

Other interpretations of like manner can be made of the obvious meaning of the expressions of the despatch of Señor Cevallos, mentioned by your Excellency. Since however, those I have just given are, in my opinion, conclusive, I shall refrain from entering into other details. I take the liberty to call the attention both of yourself and of the president of the United States to them, so that you may be more and more convinced of the reason and justice with which the king, my master, protests against the ratification of a treaty based on a manifest violation of the most solemn pledges made by France.

I take advantage of this occasion with pleasure to re-

iterate to your Excellency my desires to serve you and that our Lord may preserve your life many years.

THE MARQUÉS DE CASA YRUJO.

Baltimore, October 12, 1803.

[Addressed: "Don Jayme [i.e., James] Madison."]

VIII. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: I have notified your Excellency in one of my former letters that Citizen Pichon, chargé d'affaires of the French Republic in this country, had desired me to give him certified copies of all the documents for the transfer of Louisiana which he had in his possession, and which he intended to send immediately to New Orleans to have the transfer executed. This measure (one of pure formality in other circumstances) seemed to me in this matter of the greatest importance, for without the documents, the execution of a contract based on the violation of promises of the French government, when Louisiana was retroceded to it, might perhaps be retarded. Notwithstanding, in order to gain time, and in order to examine the above-mentioned documents, I told him to send them to me, which he did. Having found that the said papers were the titles which were to be presented for the transfer of Louisiana; and seeing that in the order signed by Bonaparte the name of the person to whom it was to be made was in blank; and knowing that the French had no troops or other means to take possession, which would show it to have been done in any permanent manner; and having learned the circumstances and noted the haste with which the French chargé d'affaires wished me to give him the legalized copies of said instruments: I had not the

slightest doubt that it was the intention of the French agent to have those papers in due form in order to make an immediate transfer of that colony to the American agent, and for that purpose the name of the person charged to receive it was in blank. The French chargé d'affaires said that the person charged to take possession was the prefect of Louisiana, called Citizen Lossat [i.e., Laussat]. But, if that were certain, I had not the least doubt but that the latter would on the same day deliver the patent with the fitting endorsement, into the hands of the American commissioner who is appointed for that purpose. In like circumstances, and after I had been informed by your Excellency of the conduct of the French Republic in this matter and since it was my special duty to inform the United States and to protest against the ratification of that treaty, it seemed to be my duty not to carry out the measure which the French chargé d'affaires has requested of me. For, although in itself it appears to be a matter of pure formality, it is beyond question that its final purpose is that of facilitating the contract of sale of Louisiana, which was founded on the violation of the most sacred promises of France, and against which I have been advised by your Excellency to protest. When the chargé d'affaires of France learned that I had refused to give him the certified copies which he asked of me, he wrote me the letter of which I have the honor to send your Excellency a copy. I answered it in the manner that your Excellency will please see in the copy also accompanying it. I hope that my conduct on this occasion will merit his Majesty's approval, and that the justice and foundation of the motives which have dictated it will serve me as a defense against any representation which may be made to my hurt by the French government to the king, our Lord.

May God preserve your Excellency many years. Your Excellency, your most attentive and sincere servant kisses your Excellency's hands.

THE MARQUÉS DE CASA YRUJO.

Baltimore, October 16, 1803.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsement or synopsis: "No. 376. Baltimore, October 16, 1803. The Marqués de Casa Yrujo to his Excellency Don Pedro Cevallos sending him a copy of a despatch sent by the Chargé d'Affaires of the French Republic, Monsieur Pichon, to the said Marqués, and his reply to the above-mentioned despatch."]

[Directions for reply: "That his conduct has merited the King's approval."]

[Endorsed: "Answered."]

IX. CEBALLOS TO CASA IRUJO

San Lorenzo, October 20, 1803.

By virtue of a verbal order of his Excellency.

Although, under date of the seventeenth of the present month, I informed your Excellency of the most essential provisions of the treaty concluded between his Majesty and the French Republic, October 1, 1800, in regard to the retrocession of Louisiana to France, I thought it advisable to send your Excellency a full copy of the above-mentioned treaty. I also enclose you a copy of his Majesty's order addressed to the captain-general of the island of Cuba for the transfer of Louisiana to the French, in order that your Lordship may have under your eyes both documents for the suitable use in the ministry under your charge. [PEDRO DE CEVALLOS[50]]

[50] Pedro Ceballos was born in 1764 and died in 1840. He was the minister of state for Carlos IV and Fernando VII, and accompanied the latter to

[Addressed: "To the [Spanish] minister in the United States."]

X. CEBALLOS TO CASA IRUJO

San Lorenzo, October 27, 1803.

I have received your Lordship's letter, number 351, in which you inform me that the conditions of the treaty signed at Paris, April 30, by which France cedes Louisiana to the United States, have already been divulged in that country. On this matter I have already told your Lordship under date of [*blank in transcript*] the illegality by which the above-mentioned cession has been made and the absolute nullity which it bears with it, inasmuch as France had no power to cede Louisiana, as that country had formally and positively bound itself not to alienate it. Further, I must add now for your Lordship's information and your complete knowledge in this matter what are and must be the boundaries of Louisiana and its extent, according to our treaty of retrocession to France, made October 1, 1800. These conditions are given in the 3d article, and are as follows:

> His Catholic Majesty promises and engages to retrocede to the French Republic, six months after the full and entire execution of the above conditions and stipulations relative to his

Bayonne in 1808. During the government of Godoy he opposed the offensive and defensive alliance with France. Later he excited the Spanish rising against the French, and on the return of Fernando VII received various rewards for his services. He was made ambassador to Naples and Vienna, and retired to private life in 1820. See: *Dic. encic. Hist. Amer.*, vol. iv, 1051. Many letters by him are published in the American State Papers, "Foreign Relations." His ministry was one of weakness. He is judged as follows in a letter from Beurnonville to Talleyrand [Adams transcripts, Bureau of Rolls and Library], an xi, 24 Prairial [June 13, 1803]:

"I left this conference more thoroughly convinced than ever that Señor de Cevallos was personally ill intentioned towards France; that his merit was infinitely below the importance of his place; that perhaps he is not far from having regard for England; and that in any case, one will not obtain from him the most insignificant of replies, if the request is not previously stated in an official writing."

Royal Highness, the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states.[51]

Although, as your Lordship will observe, the terms in which this article is couched are general and neither in that article nor in any other article of the said treaty is inserted any particular assertion regarding the contents of that article, yet they are not such that the intentions of the negotiations can not be easily ascertained, especially if one reflects that the very name "Treaty of Retrocession of Louisiana" indicates immediately its object and extension. But, notwithstanding the generalization of said article, and what has been communicated by the French commissioner appointed to take possession of Louisiana, in consequence thereof, the suspicion is occasioned that the government of France is acting in bad faith in this negotiation. It is fitting that your Lordship be advised of these incidents, for your guidance and direction. [PEDRO DE CEVALLOS.]

[Addressed: "Marqués de Casa Yrujo."]

XI. CASA IRUJO TO CASA CALVO

DEAR SIR: By article 3 of the treaty concluded at San Ildefonso, October 1, 1800, between the king, our lord, and the First Consul of the French Republic, his Majesty promised to cede to said Republic, six months after the entire and complete execution of the conditions and stipulations relative to his Royal Highness, the Duke of Parma, the colony and province of Louisiana, in the terms which must have been straightway communicated to your Lordship.

[51] This article is omitted in the transcript, and has accordingly been taken from Gayarré's *History*, vol. iii, 445, 446.

Some of said conditions have not been executed by France, and others have been violated in the most positive manner. Among them is that of selling that colony to the United States of America. That matter has given here motives for various representations on my part to this government, in order to prevent the ratification of a treaty founded on the violation of the most solemn promises. But my representations, which endeavor to show that France scarcely had any right to the possession of that province, as it had not complied on its part with the stipulated conditions, and much less [had no right] to sell it to the Americans, have been fruitless, not for lack of the justice and right which belong to the king, our lord, but because the Machiavellian policy of this government in taking what is to its interest. The treaty has been ratified, and there having appeared in the gazette an extract from a letter from that place [i.e., New Orleans], written September 22, last, saying that a boat had arrived there from Havana with orders to your Lordship to suspend the transfer of that province, either to the French or to the Americans, the greatest anxiety has been aroused here, and gave motives yesterday for the calling of an extraordinary meeting of all the ministers. In that meeting as they have assured me, it was resolved to use force to take possession of that province in case that, according to the above-cited rumor, your Lordship would make any resistance in transferring that place.

I advise your Lordship of this, so that in case it is true that your Lordship has received the above-mentioned royal order to suspend the transfer of the province in your command, you may take in time vigorous measures for its defense; but if you shall not have received any orders from the Court of the nature that I mention, your Lordship shall consider this letter as of no account and

you are to conform to the previous orders which you shall have received from his Majesty concerning this matter.

In case that your Lordship has the above-mentioned orders to suspend the transfer, in my opinion, it will be of the greatest importance for your Lordship to despatch a messenger to Havana so that they may furnish from there, as quickly as possible, the aid that may be necessary to you to fulfil those orders; and meanwhile I must add for your Lordship's direction that if, unfortunately, the Americans should arrive and realize their intentions, which it seems that they have to possess themselves of that province by violent means, your Lordship may be assured that they will also direct their attacks against West Florida, especially against Mobile. For it is apparent that this government and the whole nation regard the river of that name [i.e., Mobile] as a second Mississippi, because of the ease that it will give them with the lapse of time of transporting much of the products of the territory named Mississippi, and of the eastern parts of the state of Tennessee. They consider West Florida of such importance that I have very well-founded reasons for believing that this government would exchange the greater part of Louisiana, lying on the right side of the Mississippi, for the Floridas, especially for West Florida. Consequently, it is to be believed that, in case that hostilities unfortunately come to pass between this country and Spain, they will doubtless attack West Florida.

In regard to the arrangements which this government may have decided to take in case that we resist the transfer of that province to them, as soon as the French commissioner or prefect, Lossat [i.e., Laussat] shall have made a transfer of the cession of Louisiana, it is possible that they will not at once proceed to act, because it is not

probable that they can collect so promptly the forces necessary to carry out their intentions. Your Lordship must know that the number of regular troops, or troops of the line of the United States scarcely reaches four thousand men, and that these are very widely scattered in various garrisons, located at great distances one from the other; and that the detachments of the militia troops of Kentucky, Tennessee, the State of Ohio, and the territories of Indiana and Mississippi, which would be the most numerous, although not the best disciplined, forces on which they could count for an expedition of this kind, would be slow because of local conditions in collecting and reaching the point of action. Also, the fact that the president and his ministers, according to the constitution, can not declare war or, what amounts to the same thing, can not commit acts that would have an immediate tendency to bring on war, may also retard their definitive acts in this matter. But, since an act has just been passed in Congress, authorizing the president to take possession of Louisiana – for it is already regarded as a dependency of the United States – it will not be impossible for the President to take upon himself the adoption of compulsory measures in order to comply in full with the act which he is authorized to execute; and that he may take this resolution with much more confidence since he is most sure of the popularity of such a course of action, and that it would be afterward approved by Congress.

Be this as it may, if your Excellency has an order to suspend the transfer of Louisiana, I repeat that you must prepare to defend that province since the American government is greatly disposed not to let escape this occasion which is offered it of acquiring, with appearance of right, that which it has so greatly desired.

It is very probable that citizen Lossat [i.e., Laussat] may try to persuade your Lordship of the necessity of immediately transferring that place and the province to the American commissioner or commissioners to whom he should make the transfer with the rights of France. It is probable that he will try to convince your Lordship of the necessity of fulfilling it, even though it be in opposition to the orders which your Lordship may have. In this he will not hesitate to exaggerate to your Lordship the consequences of this by telling you that France could do no less than maintain with all its might the treaty which it has made with the Americans, and that it has already received from the Americans in part payment, advance sums of those which this government is to pay for Louisiana. In a word, I suppose that Monsieur Lossat [i.e., Laussat] will leave no stone unturned to prove to your Lordship that you must not obey the orders not to transfer Louisiana (in case such orders exist). But your Lordship has too much honor, and you are a man of too well-known zeal and loyalty for me to doubt one moment that you will scrupulously heed the orders that you may have received from the king, our lord. However, it has appeared to me prudent to warn your Excellency of my suspicions in this matter, which are founded on the impression that the chargé d'affaires for France here has tried to give me on these points, without doubt, so that I might write to your Lordship in terms that may facilitate the transfer of that province, even if you should have orders to the contrary. But I believe I have clearly discovered that what he has tried to make me believe in this matter is nothing else than a political ruse, so that the instructions which might have been given for this purpose to citizen Lossat [i.e., Laussat] might not be

changed. In one or two conversations which I have had with him, I acted as if I believed everything he told me in regard to this, although many of the data on which he tried to base his reasons were evidently false.

I have entered upon these details, in order that your Lordship might understand the state of a matter which has so immediate a connection with the province under your command, and so that, having come to an understanding with the captain-general of the island of Cuba, you might take in time the measures necessary for its safety. Since, in my opinion, as I have above said, the United States will not hesitate to avail themselves of this favorable opportunity offered to them, to take possession of Louisiana; and since, if your Lordship continues your opposition to its transfer for some time, they will inevitably attack you: therefore, it is advisable for your lordship to watch what is happening on the upper part of the river and to have one or more confidential agents in different points, who may advise you of the movement of the American troops.

I am going to give an immediate account to the king of the condition of affairs, and I shall also take advantage of the first opportunity that offers to inform the captain-general of the island of Cuba of the contents of this letter, which I repeat is to be considered as of no effect, and as though not written, in case that your Lordship should not have the presupposed orders to suspend the transfer of that place and province.[52]

May God preserve your lordship many years. Your most respectful and sincere servant kisses your Lordship's hand. THE MARQUÉS DE CASA YRUJO.

Washington, November 1, 1803.

[Addressed: "The Governor of Louisiana."]

[52] There is also a copy of this letter among the Casa Yrujo Papers, where it is no. 5, attached to despatch no. 379.

[To this letter is added: "This letter although signed by mistake, is a simple copy."]

This copy was sent to the governor of *East* Florida Enrique White by Casa Yrujo in his letter of November 3. In a postscript to his letter Casa Yrujo adds:

If it is true that the governor of Louisiana has an order to suspend the transfer of that province, you can count upon the Americans not only attacking it, but of taking advantage of this opportunity to invade the Floridas as well, which they greatly desire and despair of obtaining by negotiation. You can count on this and let it serve you in your measures.

XII. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: Although I have already advised your Lordship of my measures in regard to this government, in consequence of your Excellency's letter of June 1 and 27, last, regarding the treaty of sale of Louisiana between France and the United States, yet such is the uncertainty of sending packets to Spain by American captains that I thought it prudent to enclose you, as I do now, other copies of my despatches to the secretary of state here, his reply, and my answer to it. The importance of what I have to add and the necessity in my opinion, that your Excellency be informed promptly, accurately, and safely, of the matters arising in this important negotiation, have determined me to charter a very swift vessel for the voyage thither and the return voyage, in order that it may carry to Cadiz these despatches of mine and bring back on its return trip, the instructions which your Excellency considers it advisable to communicate to me on this matter. For this purpose, I have contract-

ed with the owner for that boat to wait at Cadiz three weeks for your Excellency's packets, and to be for said time at the orders of the directors of the post of said place.

In addition to that which your Excellency will see by the above cited correspondence of mine with the secretary of state of this country, I had a very long conversation with him, in which I began by setting forth the friendly disposition of his Majesty toward the United States, of which he has given so repeated and recent proofs; that his Majesty had the most exalted opinion of the sentiments of justice, which animated this administration; that for the same reason it must be expected on that account that, having been informed, as he was already, of the bad faith with which France had proceeded in the sale of Louisiana, the United States would suspend the ratification of a treaty, founded on the violation, on the part of the French Republic, of most solemn promises and pledges; that it was very certain that Spain, by one of the articles of the treaty of San Ildefonso had ceded Louisiana to France, but also had stipulated that said power could not enter upon possession of that province, unless, six months after it had complied fully and completely with all the stipulated conditions with relations to the king of Etruria; that one of those conditions was that France was to obtain the recognition for him as such king from all the powers of Europe, and that England and Belgium had not yet given it; that since it was a necessary and preliminary condition on the part of France to obtain that recognition, and since the French Republic had not yet fulfilled it, far from possessing the right to alienate Louisiana, scarcely did it have any right to enter upon possession of it itself, and that consequently the United States could not obtain a right from that Republic which it itself did

not in reality possess. I discussed with him at length the promise given by the French government, through their governor [*sc.*, for "embassador"] St. Cyr, to the king, our lord, and with the knowledge and approval of the First Consul that France would never sell or alienate Louisiana. I made on that violation of a so solemn promise the comments that seemed most suitable. The advantages of the acquisition of Louisiana for this country, and chiefly those which must result to the party in power from an act so popular, by which it would strengthen its power more and more, and the reply that was made on these observations which I had had already in writing from the secretary of state, gave me little or no hope of attaining my object. Accordingly, it was with little surprise that I heard the secretary of state declare to me that in reality this was a fitting discussion for Spain and France, and one with which the United States had little to do. But [he said] that, notwithstanding this it was indubitable that Spain had recognized, and even in a certain manner directed by its councils the right which they had of negotiating this matter with France, as was proven by your Excellency's reply of May 4th, last, to the American minister in Madrid. The tenor of that reply was as follows:

> By the retrocession to France of Louisiana, that power recovered said province with the boundaries that it had and with the rights acquired by other powers. The power of the United States may address itself to the French Government for negotiating the acquisition of territory which would be convenient to its interests.

I replied to him about in the terms that your Excellency will find in the copy of my counter-reply to his first answer. In fact, I can say that I did it with the advantage that the justice and reason on my side gave me; for he could not give any satisfactory answer, and returned

to the charge that your Excellency had declared to the American minister that *he could address himself to the French government to negotiate the acquisition of territories*, etc. Besides that which I mention in my counter-reply, seeing that he repeated to me with great emphasis and with great stress upon the word to *negotiate*, I told him that under the circumstances and with the full knowledge that your Excellency had of the promises and pledges of France given to his Majesty, your Excellency's reply to the American minister did not have any other signification than that of directing him to France to negotiate, that is, to treat of the matter, but under no consideration to conclude it; for he knew that, according to the promises of France, the matter was impossible, besides that the word to *negotiate* does not exactly signify to conclude a negotiation, but only to treat of it for its conclusion. This meaning, I said, was very obvious, for it frequently happened that the object of the negotiation might be negotiated for a long time without being attained, in which case one could not do less than confess that the matter had been *negotiated*, although it had not been concluded. Consequently, it was clear that when your Excellency answered the American Minister that he could *negotiate*, you did not mean to say anything else to him than that he could discuss. Hence, from the above mentioned reply, could not be inferred the deductions which he presented to me. Afterward he shifted his position and said that the American government had seen in the hands of the chargé d'affaires for France in this country, the decree of the king, our lord, and the orders of our court to transfer the province to the person who should present himself with those documents, and that that circumstance must make him believe that France had complied in a satis-

factory manner with all the pledges that it had given to Spain by article 3 of the treaty of San Ildefonso; for it is evident that, since that article stipulated that France could not obtain possession of Louisiana unless in six months, after having fulfilled the above conditions, our government would not have given the government of France the orders for the transfer of Louisiana, unless, in fact, the French government had complied with the stipulated conditions. I answered him that I had seen, as had he, the above-mentioned documents in the possession of the chargé d'affaires for France, but that the delivery of those documents did not discount the notorious fact of the pledge of France to have the king of Etruria recognized by all the powers of Europe, and the public knowledge that it had not done that; that the delivery of said documents to the French government alone proved that candor which generally accompanies good faith, and that that good faith was abused in the present instance in a manner both unjust and unexpected; and that this government having learned in due time of this circumstance, must give it its true value, since the right of Spain to demand from the United States that they do not ratify the treaty was as strong and as powerful as would be in a civil case the right of a person from whom title to his property had been taken by fear or by abuse of good faith.

We discussed afterward the extract from the memorial of the ambassador of the French Republic, St. Cyr, who promised in the name of the First Consul, that France would never sell or alienate Louisiana. The secretary of state answered me that that clause was not in the treaty of San Ildefonso, but simply in a ministerial note, which did not have the same solemnity or the same force; and hence, the consequences which I drew from

that note did not have the force which I imagined. I replied to him that I did not know whether or not it was in the treaty of San Ildefonso, as I had no copy of the treaty. But even were that promise inserted only in a ministerial note, it appeared by the tenor of that note that the ambassador made that pledge with the previous knowledge and approval of the First Consul, and that, in my opinion, his observation would have force only if one were trying to oppose the stipulation of a ministerial note to that of a solemn treaty in its vigor and force. In such case, I said, surely the meaning of the treaty must rule and govern, but that in the actual case the treaty stipulated nothing contrary to the note. Consequently, the obligation contracted by the ambassador of France in his note remained in all its force; for, were anything else true, we would infer that ministerial notes had not the slightest value; and consequently, the relations of one country with another, would have to be by the whole solemnity of treaties. This method of procedure, I said, would nullify the greater part of the communications of the diplomatic corps. We both made various other observations of less note, from which there resulted what ought to be expected of the minister of a nation who in this discussion did not seek the truth of good faith, but the means to give an appearance of legality, to the acquisition which was so much to his interest. We separated from one another, each with his first opinion. The treaty has been ratified by the Senate on the same basis, and on the same grounds expressed by the secretary of state in his conference with me. The division of the Senate for this ratification, as I have already informed your Excellency in one of my recent letters, was twenty-four votes in favor of the ratification, and seven votes against it.

The House of Representatives has been occupied since in exercising the only function that the constitution gives it in this case; namely, it has been occupied in voting the sums of money necessary to carry this treaty into effect. But, since the House does not have power of directly intervening in the course of this affair although privately they were informed of my representations to the government on this occasion, and of the force of those representations, they could not make other use of that information than to petition the president for all the papers relative to this negotiation. There were very lively debates on this account, but since the government party has a majority in this House, although there is a greater division than in the Senate, the motion was lost and the minority afterward had no strength of consequence. Their opposition was principally devoted to the article of the treaty with France, by which the privilege of paying the same duties as American ships is given to our ships and to those of the Republic, which go directly from their respective positions to the port of New Orleans. The opposition was based on the fact that this circumstance gave an advantage to the port of New Orleans over the other ports of the Union, to the manifest violation of the Constitution, which provides that all commercial regulations must be equal in all ports of the United States, and that no particular port may obtain any favor or concession over the other ports. But the ministerial majority decided this point also, more by the plurality of its votes than by the strength of its reasoning. In a word, all the matters relative to the treaty have already been passed in the ordinary channels in both houses, and it only remains to take possession of Louisiana to complete this whole business.

Citizen Pichon, chargé d'affaires for the French Re-

public who, because of our political controversies on this occasion, believed perhaps that it was diplomatic etiquette not to visit me, came, after four days, to my house, and after declaring that this had been the motive of his being somewhat remiss in this civility, discussed with me and quite heatedly the incidents relative to the sale of Louisiana. He told me that my opposition, although useless in its effects, had done considerable harm to France, which not having been informed previously of an incident of this nature had entered into pledges and contracts with the House of Hope, which according to that house, was only awaiting news that there was no difficulty here in the execution of the treaty for advancing sums of great consideration to him; that, in fact, the American government itself was disposed before my representations to advance to France, on good account, two millions of duros, which they had postponed delivering as a result of the measures taken here by me recently; and that Mr. Behring [i.e., Baring], son of the famous London banker of that name, and a partner in the above-mentioned House of Hope, who was here for that purpose, had also postponed on that account the giving of certain facilities which would have been of the greatest importance to the government; that the latter must have been necessarily deceived in its calculations and hopes, especially the First Consul, Bonaparte, who, reckoning on the easy and prompt deliverance of the sums proceeding from the sale of Louisiana, had assured the French people that there was no necessity of new imposts to continue the war with England. My reply was obvious and was reduced to saying that if France had scrupulously fulfilled its pledges as it ought, it would have observed those obstacles and would not have placed Spain in embarrassments which are the consequences of

such conduct. Without controverting this point longer, he gave me to understand that as he had been able to gather from some expressions of the president, he did not doubt that this government was determined to make us fulfil the treaty by compulsory methods if, as was feared, the Spanish government had given orders to suspend the transfer of the colony. After having expressed to me the fatal results if things came to this extremity, he gave me to understand that I should make use of a post of the United States, which was to leave on the following day for those parts. The intention of the chargé d'affaires for France in this conversation was evidently that of causing me to write to the governor of New Orleans not to raise any difficulty in the transfer of the colony, in order not only to avoid the consequences to which he alluded, but also, and chiefly, because if the colony were transferred without any opposition he would immediately secure for his government the pecuniary advances and aids which it hopes to receive from this government and from the above-mentioned agent and partner of the House of Hope.

Whatever might be my opinion in this particular, it was a measure which might be contrary to the ideas of the king, our lord, which would throw on me the most dangerous responsibility. Hence, far from writing to the governor of New Orleans in the manner and by a method which had little safety in it in the actual state of affairs, it seemed to me this only ought to be done by an express which I despatched overland in the terms that your Excellency will see by the copy of my letter which I have the honor to enclose under number 5.[53]

The uncertainty as to whether the king, our lord, has given orders to suspend the transfer of Louisiana, places

[53] See this letter to Casa Calvo, p. 93.

me in the greatest embarrassment and in the necessity in the present circumstances of taking those measures of which I shall speak later, and incur the heavy expenses necessary to effect them. That it is likely such orders exist appears to me by the just resentment of Spain on this occasion; by learning that the marqués de Casa Calvo, who was entrusted with making the transfer, had retired from New Orleans; and by a letter from [a person in] New Orleans written on the twenty-fifth of September last, to his agent in New York, in which he tells him that a swift boat had just arrived from Havana with packets for the governor, and that there had clearly come in them an order from the king to postpone, for the present, the transfer of that colony, both to France and to the Americans. This letter has come to the notice of this government, which has not failed to be startled, in view of the coincidence of its contents with my representations here. Last Sunday, the president held a kind of state meeting with all his ministers (a thing very seldom done) which lasted for many hours. As a result, two days later, the extraordinary American post set out for Natchez by which Citizen Pichon advised me to write to the governor of Louisiana. It is to be noted that in the two days between Sunday, when the state meeting was held, and Tuesday night, when the extraordinary post left, they worked at the Department of War and at the Department of State until an hour that happens but seldom.

Although at the beginning I regarded as capricious the communication which Citizen Pichon made to me of the expressions that escaped the president about the firm determination of this government to take Louisiana from us by force if we were not willing to give it up of our own accord, I have new reasons to believe the above-

mentioned report of the chargé d'affaires for France to be very authentic. The secretary of state, while he treated me with friendliness, let fall to me, some days ago, certain expressions which are analogous to the advice of Citizen Pichon; and the minister of war, also my friend, and who came to see me last night, told me in very positive terms of the determination that they had made to take possession of a territory which, in reality, belonged to them. It is useless to tell your Excellency that I had a little discussion with him over the matter, but as his opinions are founded on self-interest and advantage more than on reason, we separated, I with the opinion that I was defending, and he with that which he affected to have. I have learned, furthermore, from another source that the president had told another person that, from the time in which I presented my second letter against this ratification to the secretary of state, they had feared that Spain was trying to retain Louisiana, and that in order to prevent it they had given orders to mass the various detachments of regular troops at the forts and cantonments of the Ohio and Mississippi, in order to assemble them at Fort Adams, near Natchez, and that he expected that General Wilkinson would be able to assemble at his orders in said district some seven hundred or eight hundred men of the regular troops. The same person told me, mysteriously, that he had good reasons for believing that the extraordinary post of last Tuesday was a bearer of orders to the several governors of the western states in order to enlist and despatch to Natchez various detachments of militia from their respective states, the total of which would perhaps exceed six or eight thousand men.

In the course of the conversation that I had last night with the minister of war, he let fall the statement that

if Spain offered any opposition to the transfer of Louisiana, that country would be responsible for all the expenses that the American government would be compelled to make to enter upon possession of Louisiana, and that they would decide upon the method of indemnity. With the knowledge which I possess of this country, and with the inclinations of its government, I can assure your Excellency that the only true meaning of the above expression is not, nor can be other than that of an intention to take advantage of this occasion, if there really exist any orders in New Orleans to postpone the transfer of the colony, in order to attack and take possession of the Floridas. This is a favorite object not only of the government, but also of the whole nation. Consequently, it would be very popular if it were done. The president has several times declared on former occasions that he would be very desirous, if he had a legitimate motive for cutting the only knot that unites the Americans with Europe, and a special session of Congress, while discussing the Louisiana matters last year, declared itself in regard to the Floridas with the same openness. This document has been kept secret until a few days ago, and as it has all the authenticity and weight of one of the chief departments of this government, I considered that I ought to translate it for your Excellency's information, and for this purpose, I have the honor to send it subjoined, under number 6.

In these circumstances, I thought it my duty, in case the orders existed, which are feared for the suspension of the transfer of New Orleans, to take the following measures:

Three days ago I despatched a messenger overland to the governor of New Orleans with the letter of which I speak above, and of which I enclose a copy. I deter-

mined to send it in this manner as a measure of prudence, but I was informed that the government knows of the departure of my messenger and that he is to pass through the territory of some Indian nations with whom the United States have the greatest influence, by means of their agents. I fear that in order to remove all suspicion, they will make use of the Indians to detain my messenger, and steal from him the money and packets which he carries. But since the latter are of so great importance, I thought I ought not to allow the safety of Louisiana to depend on this chance. Accordingly, I determined to charter a swift vessel in Baltimore which carried the duplicate to New Orleans and a copy of it to the captain-general of the island of Cuba, giving him a detailed account of the conditions of affairs in this country and of my few reasons for doubting that if Louisiana is not transferred they will attack that province as well as the Floridas. I despatched by the ordinary post two letters to the Consul of Charleston, one for the governor of East Florida, Don Enrique White, and another for the governor of Pensacola [*Panzacola*],[54] informing him also of the condition of affairs, in order that they may have time to prepare themselves. For, if resistance is offered in New Orleans, they will doubtless be attacked. Those two letters the consul is to send by messenger to their respective destinations. This is all I thought to be my duty and all that my situation and circumstances permit me to do in this matter. If orders to suspend the transfer do not exist in New Orleans, these expenses will assuredly be useless but prudence demands them, not only for the reasons above mentioned, but also because of the preparations of the Americans, which are infinitely more costly and larger. If, on the contrary, such or-

[54] Vicente Folch. See note 161.

ders do exist, the commandants of his Majesty's possessions which are threatened, will have time to prepare and do honor to the arms of the king.

I also charge the captain-general of Havana to inform the commandant general of that department of marine of these matters; for in case of a war, which does not seem improbable to me, he could blockade the eight frigates – to which the whole naval force of the United States in this country, is reduced, and which are very impolitically sealed up at this capital and on the upper part of the Potomac River – with three ships of the line and some frigates. The Potomac River flows into Chesapeake Bay, and our forces at the above-mentioned mouth [of that river] will deprive the coasts of these states of all maritime defense. With half a dozen more frigates we could clearly sweep the entire country, and enter the ports of Nova Scotia and the Bermudas for necessary repairs and shelter. It must be supposed that for this I count upon the neutrality of England, and that there should be in Havana the necessary forces for the purpose, although I fear it is not so. But this plan, or another suitable one, according to circumstances, might be made practicable with forces from Europe; but even this may depend also on the political situation of that part of the world. But, since this is a matter foreign to my profession, I must leave it to others who are better acquainted with it. Only I must reiterate to your Excellency that, if orders have been given to suspend the transfer of Louisiana, and if his Majesty wishes to resent the attack, in my opinion, it will unquestionably follow that it will be necessary to immediately send naval forces to this part of the world, not only for the protection of our commerce, but in order to destroy that of the Americans by blockading their ports and closing the mouth of

the Mississippi, thus making Louisiana useless to them, in case that they would have the good fortune to take possession of New Orleans.

. . .[55] I replied to him that I had none, but that it was to be supposed, that even in case that the orders by chance did exist, it was to be supposed that the United States owed it to Spain and their own good name to negotiate, before proceeding by way of act. He gave me a very equivocal answer and added that the terms of the treaty did not allow time for such negotiations, since the spirit of the stipulation in the treaty is that the United States should take possession three months after the ratification of the treaty. In fact, in the second article of the convention are found the following expressions:

> These stocks shall be transferred to the government of France, or to the person or persons authorized by that government to receive them, three months after the exchange of the ratifications of this treaty, and after Louisiana is in the possession or in the name of the United States.[56]

The government here, it seems, fears that Spain and France may yet come to an agreement upon these points. Accordingly, they do not wish to give the least pretext so that it might be said that they have failed on their side to completely fulfil their part. Consequently, it is more than probable that as soon as Citizen Lossat [i.e., Laussat], commissioner for France for this purpose, transfers in writing the right of the republic to the United States, the latter will endeavor to immediately enter upon possession. This will be done, it seems, by force, if they find any opposition, and if they can have time to assemble the forces necessary for it. The present administration has been, and is, naturally pacific,

[55] There is a break in the sense of this document, probably due to an error of the modern copyist.

[56] Of equal date with the treaty of cession. See note 35.

but its situation is also very embarrassing. The ratification of the treaty gives it the force of law. The president is obliged to execute it, and if he show resistance in a matter on which he will have all the people on his side, his popularity and that of his party will be exposed to destruction, and thus give arms to the Federalists so that they may demolish the [Republican] party, perhaps at the next election for the seat which he occupies. Besides although the different parties of the country are divided in their opinions, they are perfectly in accord, generally speaking, in their desires to have Louisiana and to take the Floridas if that is possible to them. Again, they can do no less than foresee that if war between Spain and the United States takes place, without either France or England taking part in it, we have a very superior naval force with which we can blockade, as I remark above, the Mississippi, the entrance of the Chesapeake, the mouth of the Delaware, and, in a word, entirely close their coasts, even if we disregard the probability of capturing the four frigates which they possess in the Mediterranean, which with the eight that they have out of commission here at Washington, compose all their naval force at the present time. It is to be noted that of the ten millions of duros, at which we may estimate the annual revenues of the country, eight or nine millions are the products of their customs, that is, of the imposts on commerce established. The commissioning of strong and active cruisers, as are those of which I speak above, would cause both the ruin of their commerce, and the decrease of their public revenues, just at the time when their expenses would be greater. Hence, [would arise] the necessity for internal taxes; and hence would result a war, unpopular to a nation which views the least direct taxes with the greatest im-

patience. The effect of this anger would be shown in the elections, of which the Federalists would make use to discredit the government; and it is more than probable that they would attain their object. This contradiction of public and private interests necessarily places the administration in a very critical situation. I do not doubt that if it were not for this unfortunate combination of circumstances, the government would be glad to gain time to settle affairs with Spain in the best manner possible. But I fear, however, that they will be obliged to act as they insinuate, under the influence of public opinion. On my side, I have endeavored to make them vacillate by assuring the minister of war that if they were flattering themselves that they could surprise us by a total lack of justice and fair dealing [*buena correspondencia*], they were laboring under a very great mistake, since I had had good care to give the necessary advice to the threatened points, in order that they might prepare themselves to receive them. It is possible that they may in some way find a middle ground by which they can withdraw themselves from the crisis in which they are at present. The final resolution is very difficult to guess, particularly in a case like the present, in which the effect of the orders of the government make themselves felt, both in points so distant that at least two months are necessary to learn the results, and in places not only remote but also in those with which communication is uncertain and difficult and which are separated by great mountains and Indian nations. Situated in this manner, and with the disadvantages that a foreigner has in every country, your Excellency should not be surprised that in facts which are secrets of the cabinet, I see myself under the necessity of basing my conjectures on the chances of probability. At any event, it seems to me

that, considering this uncertainty, it is better to be prepared for anything. This is the third crisis in which I have seen myself during the period of my ministry, and at a distance so great from the court that, in all these sudden chances, I have found myself under the necessity of acting on my own initiation, as my weak intellect has dictated to me, as I could not have received in time the orders of the king, which must guide my conduct. In the two first I have had the good fortune to hit the mark and to merit the approval of the king and of my chiefs. I do not know what will be my luck in the present case, but since I desire to act in everything in accordance with the wishes of his Majesty, I beg your Excellency to please communicate to me his royal orders in regard to the most essential points of this letter. Especially will you please tell me whether, in the case of a commencement of hostilities in Louisiana or the Floridas (which may God forbid), I must retire from this country with the other servants of the king, without awaiting new orders from his Majesty; or whether it is his royal will that I wait those orders in this country. The galley which bears these despatches is to remain three weeks in Cadiz, at the orders of the postal administrator. I reiterate this fact so that your Excellency may be pleased to inform me by this safe medium of the intentions of the king, our lord, both in regard to this last point and the others, which he may judge worthy of his attention.

May God preserve your Excellency the many years that I desire. Your most respectful and grateful servant kisses your Excellency's hands,

THE MARQUÉS DE CASA YRUJO.

Washington, November 4, 1803.

[Addressed: "Don Pedro Cevallos."]

[Endorsement or synopsis: "Number 379. Washington November 4, 1803. The Marques de Casa Yrujo to his Excellency Don Pedro Cevallos. Important letter that everyone should read. The embarrassing position in which we are through the apparent determination of this government [i.e., the United States] to take possession of Louisiana by forcible means, in case that any difficulty occurs on the part of the governor of that province for its transfer; conferences with the minister and their nature; important reflections; precautionary measures taken by me and my desire for instruction from his Majesty in regard to various points of this letter."]

[Instructions for reply: "RESOLUTION. That it is not true that orders have been given to the captain-general of Havana, or to the Marqués de Casa Calvo to resist the Americans in taking possession of Louisiana, which has been sold to them by the French; that, for his information and direction, the orders communicated for the transfer of Louisiana to the French commissioner be sent to him (I thought that those copies had been sent to him); also that the reply given to the French in answer to their complaint directed against the said Yrujo for having sustained vigorously the nullity of the sale of Louisiana, was also sent to him; that his Majesty, as he will see, has renounced his [i.e., Yrujo's] declaration, and that from that renunciation, the merit that it was a favor to the States; and that his Majesty is satisfied with his conduct and with his zeal for his royal service. Given according to the minutes of January 9, 1804."]

XIII. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: From the year 1797, that is, very soon after my arrival in this country, I recognized that it

would not be possible for us to look upon Louisiana as a barrier, unless we made a Luxembourg of New Orleans, since nature would not permit that it be made a Gibraltar. The negotiations with France came a little later and the idea that we had to give up that colony as a favor to France, without doubt prevented the adoption of an efficacious plan for the protection of that colony. It occurred to me afterward that that colony in possession of France, considering France as a sincere ally, and having in mind the conformity of interests that we had with that country, both in Europe and in this part of the world, it would be a kind of protection against the ambitious and lawless intentions of the Federal Party which then was governing this country, and which, for the reasons that I presented in the course of my correspondence during that time, was trying to bring on war with us and the French Republic. I estimated the conduct of our allies with Louisiana as the base of the true interests of both nations. I considered things as they ought to be, but unfortunately, not as they would have been. The reports that I have had from trustworthy persons of the orders with which General Victor was coming,[57] and the spirit of unquiet and almost of rapine which reigned among many of the officers of that army left me no doubt that the military colony of the French in Louisiana would have been in reality a worse neighbor for us than the Americans. Things have taken now such a turn that, in my humble opinion, if we have to lose Louisiana, the choice of a preference of that colony belonging to one nation or to the other is not worth the expense and trouble of a war, provided that we conserve the Floridas which, on account of the reasons already expressed I consider as of the greatest importance.

[57] See the instructions given to Victor by Decrés.

The particular attention that I have lately given to this matter, and the manner of talk that I have heard in regard to the acquisition of Louisiana by the United States, have convinced me that the government knows perfectly the interests of the country and, in order to promote them, will follow a line of conduct in this particular which so far as it coincides more with ours, must inspire greater confidence. It is evident that they know fully the evils that will follow to the United States from colonizing Louisiana, and that all their efforts will be directed on the contrary to concentrate their population in the lands that they actually occupy, regarding as necessary the acquisition of Louisiana only in so far as it excludes the French whom they feared as neighbors, and to assure to themselves the navigation of the Mississippi in a manner that might not expose them in the future to interruption and quarrels with the powers of Europe. The ideas of the present administration on this point are set forth in a pamphlet or booklet which, it is plain to me, was written by the secretary of state, although under the nom de plume of Silvestris.[58] The object of this publication was to facilitate by its printing the ratification of the treaty of purchase, and to familiarize the members of Congress with the ideas that such a policy advances. The matter is treated clearly and simply and supports the plan, which is recommended with some reasons so well-founded and some arguments of so great weight that we can do no less than cast aside all doubt as to the good faith of this government when it assures us that it will try to prevent settlement on the right side of the Mississippi. In order that your Excellency may be informed, and that you may judge for yourself of a pro-

[58] There is a copy of this treatise in the Library of Congress (see bibliography). The manuscript copy sent by Casa Irujo is rather a free paraphraseing and adaptation though a translation.

duction so important in the present circumstances, I am sending it to you in translation, although very superficially done. I hope your Excellency will excuse my sending you the first draft of this translation since we have been so busy that I have had no time to make a clean copy. I recommend then that your Excellency read it and I do not doubt that after you have read it, you will have very full and accurate ideas of the manner in which this government regards its new acquisition of Louisiana.[59]

May God preserve your Excellency many years. Your Excellency, your most respectful and grateful servant kisses your Excellency's hands.

THE MARQUÉS DE CASA YRUJO.

Washington, November 5, 1803.

[Addressed: "His Excellency Don Pedro Cevallos."]

[The translation of the reflections of Silvestris follows.]

[Endorsed, or synopsized at beginning: "No. 380. The Marqués de Casa Yrujo to his Excellency, Don Pedro Cevallos. Enclosing the translation of an important document on the cession of Louisiana to the United States; with certain reflections regarding the matter."]

[Directions for reply: "Resolution: That I have read that paper with pleasure, and to his Majesty those

[59] Attached to this despatch is the translation into Spanish of a report of a congressional committee on a bill for the purchase of the island of New Orleans and the Floridas, and the permanent and free navigation of the Mississippi. The action of Morales in taking away the right of deposit at New Orleans is condemned. The territory of Mississippi is destined to support a large population, but it needs the outlet of the Mississippi. The possession of New Orleans and the Floridas is an absolute necessity. Since it is preferable to acquire this territory by peaceable means rather than by force, it was resolved that $2,000,000 be appropriated for the purpose of facilitating negotiations in regard to it.

passages most worthy his attention; and that in his Majesty's name I thank him."]

[Endorsed: "Given, according to the minute, January 9, 1804."]

XIV. CASA IRUJO TO CEBALLOS

Washington, November 5, 1803.

YOUR EXCELLENCY:

DEAR SIR: It is eleven o'clock at night and, although I am going to despatch my packets instantly, I thought I ought to tell your Excellency that I have this night seen the secretary of state and I have discussed our affairs with him. By his sincere replies, he confirms me in what I write your Excellency on this occasion; for at the same time that he discussed with me his desires for the continuance of peace and good relations with Spain, he has given me to understand with great clearness that if the governor of Louisiana does not deliver that province to the person who should be duly authorized for that transfer, there would be no time to enter into negotiations on the other side of the Atlantic, and he assured me that compulsory measures would be limited to taking possession of their rights. But he reiterated and assured me that if things came to this extreme they would also attack the Floridas, and would try to make them serve as a compensation for the expenses that they suppose we shall have occasioned them on entering into possession of a province which they claim is their own. I answered the secretary of state that such a course of conduct were scarcely consonant with sentiments of justice and good relations; that they should consider what they were doing before they undertook a quarrel, and that if things came to that extremity, Louisiana might cost them more than the fifteen millions of duros. Following

that I said that France, after learning of the discontent of Spain, had offered them a guaranty and that, in this case, I did not doubt they would compose their differences in a manner satisfactory to this country. We were then interrupted and the conversation ceased. I thought it my duty to communicate this to your Excellency for the information of the king, our lord.

May God, etc. Signed by the Marqués de Casa Yrujo.

[Addressed: "Don Pedro Cevallos."]

[Endorsed: "Important conversation with the secretary of state."]

XV. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: In confirmation of all I have written your Excellency in regard to the intentions of this government in case that orders to suspend the transfer of that colony either to French or Americans shall have been given by our government to the governor of Louisiana, I have the honor to enclose for your Excellency the translation of a proclamation, which together with many others is to be made in Louisiana. Although it appears under an anonymous signature, I have very well-founded reasons for believing it to have been written by the secretary of state. That this proclamation is to be regarded as an exposition of the opinions of this government is shown by the fact that it was published in the gazette called *National Intelligencer* which is under the immediate protection of the ministers. The object of the proclamation is evidently to influence the opinion of the inhabitants of Louisiana, and to attract them to their side in case that the agents of the United States encounter the resistance that they fear in New Orleans. Your Excellency will see various expressions which in-

dicate their resolution to appeal to arms if they should find any difficulty in taking possession. I have tried to persuade these ministers that, according to my information (as is true), I do not believe the opposition that they fear exists. But in answer to this they say that if no obstacle exists to place the United States in possession of its rights, the least difference will not exist between this government and the king, our lord; but they add that prudence demands these precautions in case that this is not so. In this uncertainty I thought it to be my duty to take the measures of which I informed your Excellency in one of my last letters. For, in reality, if the above-mentioned order for the suspension of the transfer of the province should exist and I should see preparations made by this government to attack us, what was my duty if not those measures which I mention? You may tell me, perhaps, that since I have not been advised of such a condition, I must suppose that no such order has been given; but, on the other hand, this conjecture can not inspire greater confidence, in view of the fact that when the order was given to the intendant of New Orleans for the suspension of the place of deposit which caused us so much trouble last year, news of it was not forwarded to me until many months afterward, and when we were already embroiled with this government. I have entered into these observations in order to show the solid reasons for which I determined to take the above-mentioned measures in the said my letter, and in order that if, fortunately, the orders feared for the transfer of the above-mentioned colony should not exist in New Orleans, it might not be attributed to unsteadiness or a want of good calculation to have incurred useless expenses.

May God preserve your Excellency many years.

Your Excellency, your most respectful and attentive servant kisses your Excellency's hands.

THE MARQUÉS DE CASA YRUJO.

Washington, November 15, 1803.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsed and synopsized: "No. 383. Washington, November 15, 1803. The Marqués de Casa Yrujo to his Excellency, Don Pedro Cevallos. Enclosing the translation of a proclamation which is to be made, among many others in Louisiana. Received March 24, 1804."]

XVI. ADDRESS TO THE PEOPLE OF NEW ORLEANS

Enclosure (no. 3) in despatch (no. 383) of November 15, 1803.

The people of the United States to those of New Orleans.

BROTHERS: Spain has transferred the territory of Louisiana to France, and France to us. Spain has received for it the kingdom of Parma, and France fifteen millions of dollars [*duros*]. The transaction has been legitimate and attested by all the solemnities that bind nations. But yet it is reported that Spain will try to destroy this contract and violate its honor.

The injustice and incivility of Spain will never inspire us with weakness or cowardice. We shall obtain our rights. But it belongs to you to decide whether you are disposed to share in them or to attack them for consideration of Spain. Equally in your hands too, is the acceptance of a part of our dominion or opposition to its course.

New Orleans, although old, is still very small, and the states of our Union, although born but yesterday, have

already made the progress of which humanity is susceptible. Your products, although planted in a paradise, appear to have been submerged or to have been destroyed by the cold, while those of our states up the river, although with inferior advantages, flourish as if fed by the dew of heaven. That dew is the liberty and moderation of our government by which they are refreshed. Speedily will new blessings be seen to emanate from your weak energy; for instead of monopolies, you will have commerce, your towns will become cities, and from a province will be formed a nation.

Nature designed the inhabitants of Mississippi and those of New Orleans to be one single people. It is your peculiar happiness that nature's decrees are fulfilled under the auspices of a philosopher who prefers justice to conquest, whose glory it is to make man free and not a slave, and who delights in benevolence instead of splendor. Yet although he is careful of your happiness, he will not permit you to destroy it by obstructing our rights.

Your alternative is clear, for it consists only in making your small district, either a field of war or a garden of peace. Circumscribed as it now is, the most rigid discipline will not be able to free it from ruin. On your will only does it depend whether it is to be covered with ruins or with palaces.

Well may Spain counsel you to cry out that war may exist with all its horrors, but its intentions will not be to make you more happy. Spain purposes only to involve you in a war to further its own interests, and not to promote those of New Orleans. On our part, we recommend peace and all its blessings to you; and in this advice we find the interest of the benefits of free trade. Nature has united our interests into one whole. We are

the children of the west, not of the east. Hence we shall not allow the old world to oblige us to forget that we both belong to the new.

You are interested parties in the cessions by which we reclaim you. The faith of governments is that of nations; and your loyalty was already bound up and united with us by a fitting chord.

The government of Spain, and later that of France, was able lawfully to dispose of your forces and wills so long as Louisiana belonged to them. But now no government may do so, since it has been ceded to us. Would you fail in the obligations which you contracted while you belonged to those governments, and in those which result from your union with us? United, then, by the bonds of alliance, can disloyalty, accompanied by war, monopoly, and provincial degradation appear more pleasing to you than good faith, accompanied by peace, commerce, and federal equality? Is it, peradventure well, that Spain is trying to separate you from the brilliant destiny which is offered you, through the influence of jealousies or ministerial intrigues? Would you take their sword, and try vainly to prevent New Orleans from fulfilling its destiny? It is an obligation of friendship to hold back the arm of the maniac assassin from himself. We shall fulfil our duty.

We send you this address, because it is reported that Spain is trying to violate its faith, but we believe this to be calumny. From our cradle we have been accustomed to friendly intercourse with Spain; and that power has been just and honorable toward us, just as we have been toward it, and at the same time we have placed all our glory in rivaling its integrity. The good offices on one side and the other have engendered a friendship, which as long as it endures henceforth will be more intimate.

But we look upon Spain as does a man his intimate friend, from whom he fears some injury. Doubt, affection, pain, and anger, alternately occupy his mind. The dispersion of this feeling by the continuation of integrity and good faith would be a new motive for reiterating his friendship and a new pledge of its continuation for the future.

When Spain sees that we are delivering to you and to the descendants of its sons, formerly its subjects, all the advantages that we have been enabled to gain from the cession of Louisiana and all those which we may derive from our form of government, our policy and their gratitude will form a new link in the chain of national friendship. But if the corruption of Europe comes at the end to infest the honor and good faith of the Spaniards, fortune has placed you in the position that offers the greatest opportunity to practice honor and good faith in America as a right of your birth.

If a state in our Union fails in its faith by breaking our laws, or by a lack of the due loyalty, we would oppose it, as we shall oppose you; for we shall compel our laws to be respected and their obligations to be fulfilled by them. But first we would warn the public of such a state, just as now we are proceeding toward you, not as provincials or subjects, but as brothers and beloved fellow citizens.

XVII. CEBALLOS TO CASA IRUJO

San Lorenzo, December 6, 1803.

I have informed the king of the contents of the despatch sent by your Lordship to the department of state there, in accordance with what you advised me under date of June 1, last, manifesting the nullity and imperfection from which suffers the alienation of Louisiana

made by the French government in favor of the United States. The terms in which your Lordship has executed this is deserving of his Majesty's approval.

[PEDRO DE CEVALLOS]

[Addressed: "To the Marqués de Casa Yrujo."]

XVIII. CEBALLOS TO CASA IRUJO

Toledo, January 6, 1804.

I have informed the king of the contents of your Lordship's letter, number 376. Your Lordship's conduct toward the chargé d'affaires for the French Republic has merited his Majesty's approval – in regard to his having asked your Lordship for certified copies of all the documents for the transfer of Louisiana which he had in his possession and meant to send immediately to New Orleans. I inform your Lordship of this for your information and direction. [PEDRO DE CEVALLOS]

[Addressed: "To the Marqués de Casa Yrujo."]

XIX. CEBALLOS TO CASA IRUJO

1. LETTER OF JANUARY 9, 1804

I have informed the king of your Lordship's letter number 379, which was brought to Cadiz by the galley Adversaire, Captain Denabre, chartered by your Lordship for that purpose. Having been informed of its contents, his Majesty orders me to inform your Lordship that there is no foundation to the rumor spread in that country in regard to orders having been communicated by this government to the captain general of Havana, or to the marqués de Casa Calvo to resist the French taking possession of Louisiana, or the Americans to whom the French have sold it. For your Lordship's information and direction in this matter, I have sent

you in duplicate, copies of the order, addressed to the captain general of Havana, for the transfer of the province of Louisiana. In case my letters have gone astray, I enclose herein a new copy of said order, together with the other letter in which I answered the above mentioned captain-general in regard to certain doubts that occurred to him relative to said transfer. Of the contents of that letter, your Lordship should be advised, in order to take the proper measures.

Moreover, his Majesty desires me to inform your Lordship that he has considered it advisable to renounce your declaration against the alienation of Louisiana made by France, notwithstanding the motives on which it was founded.[60] But your Lordship is to represent this disclaimer or renunciation, and make use of it with that government, as a favor towards the United States, as a proof of his desires to preserve the friendship and good relations which exist between the two governments, for in this way you may insure a better result in the discussion on boundaries and their demarcation.

Likewise, I enclose your Lordship a copy of the reply which was given to the government of France on its unfounded complaint. I included your Lordship in it because you endeavored to manifest to that government vigorously the nullity of the sale of Louisiana. I must tell your Lordship for your satisfaction that his Majesty is very well satisfied with your Lordship's conduct, and with your zeal for the royal service.

May God keep your Lordship many years.

Aranjuez, January 9, 1804. [PEDRO DE CEVALLOS.]

[Addressed: "Marqués de Casa Yrujo."]

[60] See the letter from Cevallos to Pinckney, El Pardo, February 10, 1804, in which he states that Charles IV has abandoned his opposition to the alienation of Louisiana by France in American State Papers, "Foreign Relations," vol ii, 583. On the same page is a letter from Casa Irujo to Madison, Philadelphia, May 15, 1804, to the same effect.

2. THE MINISTER OF STATE TO THE MARQUES DE CASA IRUJO

Aranjuez, January 9, 1804.

I have read the anonymous paper which is entitled *Reflections on the cession of Louisiana to the United States*, the translation of which your Lordship enclosed in your letter, number 380, telling me that it was reputed to have been written by the secretary of state there, under the nom de plume of Sylvestri. I have read to his Majesty the most notable passages, and those worthy of attention that I have found in it. The translated copies of the treaty and of the two conventions between the French Republic and of the United States relative to the alienation of Louisiana, have also reached me. I thank your Lordship for your care and your punctuality in remitting said papers. [PEDRO DE CEVALLOS.]

XX. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: After having written the preceding letters, I have been told that this government had arranged to send five hundred or six hundred men to Louisiana in addition to the troops with which they had taken possession of that province. Now, since I am sure of the discontent of the president and his ministers that transfer was not made, as part of Louisiana, of the territory between the Iberville [*Hiverbill*] River, Lakes Pontchartrain and Maurepas, and the Perdido River; and since I know the importance for these people of the mouth of the Mobile [*Movil*] River: this news does not fail to cause me some anxiety. For, although by the constitution the president can not declare war or commit acts of his own accord which may have a tendency

to produce war, yet since Congress has authorized him to take possession of Louisiana, it will be possible that the government may believe itself authorized to commit any violence under the pretext that by taking possession of the said territory, it is only executing the commands of Congress, since that territory is considered as a part of Louisiana. Therefore, I went to see the secretary of state and reported to him what had been told me, asking him what was the object of the massing of those troops on the frontiers of the possessions of the king, my master. The secretary of state answered me that he had not heard that the above-mentioned reënforcement was being sent there, although it was possible; that since it was an ordinary measure and one originated from causes which did not belong to his department, orders might have been given for it by the secretary of war without him having heard of it; that he could assure me that in this case they had no hostile intention; and that it was very probable that troops were being sent, as a measure of precaution or prudence, to a province so recently acquired, in which the number of negroes was almost equal to that of the whites, and in which the effect of the laws which Congress has passed and is passing for the government of that new acquisition could not yet be foreseen. It is probable that the ostensible reasons for this order are certain, but also it is certain that they eagerly desire said territory, which they believe, or affect to believe, belongs to them by the purchase they have made of Louisiana, and that they have not abandoned, perhaps, the idea of taking it. What can restrain them is the fear that we shall not enter upon a war with Great Britain, as was expected about a month and a half ago, in which case, seeing us so embarrassed, I have not the slightest doubt that they would prepare to make this unjust usur-

pation. The English minister assures me that both the president and the secretary of state have desired to ascertain from him with great eagerness, whether he thought it probable that Great Britain would declare war on us. This solicitude on their part is, in my opinion, an indication of the interest and even satisfaction with which they would see such an event. In any case, I have already given the commandant general of Havana the advices pertaining to the condition of affairs for his information and direction.

I leave to your Excellency the decision whether it would not be very useful for us to have some naval forces in Havana ready to act, until the points that we have pending with this government are settled. In my opinion, such a measure would give support and strength to our claims during the negotiation, and England would see, without anxiety, this armament which might consist of three or four ships of the line and a like number of frigates, if we communicated to that country secretly their true object. If it is true, as the English minister here assures me, that his court does not look kindly upon the Americans who are casting longing glances on the Floridas, and that it would prefer to have those provinces continue in our hands, your Excellency may, with your well-known talents, weigh the advantages and the disadvantages of this preparation.

May God preserve your Excellency many years. Your Excellency, your Excellency's most respectful and sincere servant kisses your hands.

THE MARQUÉS DE CASA YRUJO.

Washington, February 21, 1804.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsed and synopsized: "No. 404. Washing-

ton, February 21, 1804. The marqués de Casa Yrujo to his Excellency, Don Pedro Cevallos. Advising him of his suspicion that this government has issued orders for troops to march to Louisiana, in addition to those already in that province; and proposing to his Excellency to send naval forces to Havana, so long as negotiations last with the United States. Received May 26, 1804."]

XXI. CASA IRUJO TO CEBALLOS

Washington, February 22, 1804.

YOUR EXCELLENCY:

DEAR SIR: The secretary of state yesterday invited me to a conference with him, which I supposed would be relative to the explanation that I had asked from him in regard to the assembling of forces in Louisiana. In fact, he told me that he had informed the president of what I had related to him the preceding day, and that the president, desirous of giving a new proof not only of his friendly desires toward Spain, but also of his frankness, authorized the secretary to tell me what he (that is the secretary of state) was ignorant of when we talked the last time. In reality some movements were being arranged for the troops in that part, but their force would not be increased to more than ten companies instead of the seven which had been proposed at the beginning, and that to these would be added some naval forces. The whole had no other purpose than the preservation and tranquillity in [blank space in transcript: the territory?] lately acquired, for that territory contains many negroes, and the spirit of its inhabitants is yet unknown to its government. It results then that my reports about the increase of American troops at that point and even some naval forces were very accurate, and this fact must give

some value to the conjectures in regard to the ulterior designs of this government, of which I heard at the same time. He also discussed with me the complaints which had been made to him that some American vessels had been lately taken to Santiago de Cuba by French pirates and the consul, and condemned there. This gave rise to a very exciting debate, the attending circumstances of which I shall inform your Excellency on the first occasion that presents. Now I have no time to do it, since, although I have not lost a moment from the time I left the house, the secretary of state has heard that the vessel that will take this letter is about to sail within an hour and a half from a small port in this river, six miles away.

I conclude by asking God, etc. Signed by the Marqués de Casa Yrujo.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Synopsized: "This secretary of state has confirmed the report of the sending of additional troops to Louisiana, and has discussed certain complaints made by Americans of the arrival and condemning of some vessels in Santiago de Cuba which were captured by the French, and which were engaged in this trade."]

XXII. CASA IRUJO TO CEBALLOS

YOUR EXCELLENCY:

DEAR SIR: The explanation that your Excellency was pleased to give on the use which the secretary of state here claimed to make of some single words in one of your Excellency's despatches directed to American minister there [i.e., in Madrid], by which he twisted them from their natural meaning and context in order to premise that in the said your despatch the purchase

of Louisiana was authorized, is as satisfactory and proper as is clear the insidious intention of that procedure. This conduct is as suitable in the actual political conditions and claims of this government, as it is analogous to the personal character of the above said secretary of state, as your Excellency will have been able to observe from some of his replies to several of my despatches. For his replies are as full of subterfuges, evasions, and subtleties, as they are destitute of logic, solid reasoning, and devoid of that good faith which he always has when speaking and writing, and which corresponds so little with his political conduct. Within a few days, I shall inform your Excellency of an important fact, accompanied by my reflections thereon, which I have no doubt will contribute to show you in the most evident manner that the procedure which I recommended some time ago is the only one that remains to us for the defense of the honor and of the interests of the nation.

May God preserve your Excellency many years.

[THE MARQUÉS DE CASA YRUJO.]

Philadelphia, June 12, 1804.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsed and synopsized: "No. 423. Philadelphia, June 12, 1804. The Marqués de Casa Yrujo to his Excellency Don Pedro Cevallos. He answers to his Excellency in regard to the poor explanation and interpretation which the secretary of state here has wished to give to certain single words in a despatch of his Excellency to the American minister at Madrid. All this is analogous to his character which is wanting in good faith."]

Nemesio de Salcedo to Manuel de Salcedo and Casa Calvo, September 26, 1803, Chihuahua.

Manuel de Salcedo to Godoy, September 13, 1803. With attached documents:

Observations on boundaries between Nacogdoches and Louisiana.

Melchor Talamantes y Baeza to Carondelet, April 1, 1807, Mexico.

Carondelet to Godoy, July 21, 1807, Quito.

Casa Calvo to Ceballos, January 13, 1804, New Orleans.

Casa Calvo to Ceballos (two letters), March 30, 1804. With attached documents:

Salcedo and Casa Calvo to Laussat, January 19, 1804, New Orleans.

Laussat to Salcedo and Casa Calvo, an xii [1804], 29 Nivose [January 18], New Orleans.

Ceballos to Casa Calvo, April 2, 1801, Aranjuez.

Casa Calvo to Godoy, April 4, 1804. New Orleans. With attached documents:

Casa Calvo to Ceballos (two letters), April 4, 1804, New Orleans.

Claiborne and Wilkinson to Laussat, March 26, 1804, New Orleans.

Casa Calvo to Laussat, March 31, 1804, New Orleans.

Laussat to Casa Calvo, an xii [1804], 12 Germinal (April 2), New Orleans.

Casa Calvo to Godoy, May 18, 1804, New Orleans. With attached documents:

Casa Calvo to Ceballos (three letters), May 18, 1804, New Orleans.

Talleyrand to Turreau (two letters), an xii [1804], 20 Thermidor [August 8], and 12 Fructidor [August 30], Paris.

Ceballos on the boundaries of Louisiana, April 13, 1805, Aranjuez.

Champagny to Beauharnais, August 31, 1807, Paris.

BIBLIOGRAPHY: The first seven documents are translated from transcripts made from the originals in the Archivo de Indias, Papeles procedentes de la Isla de Cuba, Estados del Misisipi. Both parts of the eighth document are translated from transcripts in the Department of State, Washington, Bureau of Rolls and Library, Adams Transcripts, French State Papers; the transcripts were made in the French archives, Paris. The ninth document is a transcript of a translation of the original letter, existing in the Department of State, Washington, Bureau of Rolls and Library, from a manuscript volume, entitled *Louisiana*. The tenth document is translated from the transcript in the same archives, Adams Transcripts, French State Papers, vol. iii; and was evidently copied from the Archives des Affaires Etrangères, Paris, Espagne, vol. 638, pièce 329, no. 3.

I. NEMESIO DE SALCEDO TO MANUEL DE SALCEDO AND CASA CALVO

In a despatch of July 8, last, your Lordships enclose a part of the royal order of January 18, of the present year, which was communicated to the governor and captain general of Havana by his Excellency, Don Pedro Ceballos, touching the demarcation of boundaries between Florida and the interior provinces under my command. Your Lordships request me to give you information expressive of the boundaries of Texas and New [*Nuevo*] Mexico, and if possible a copy or sketch of any plan in my possession, or any relation or any knowledge that I can furnish in regard to the said boundaries.

I have not the means to gratify your Lordships, in the sending of said plans, since for lack of the necessary plans, I asked ere this for those that might exist in that government [i.e., Louisiana]. The only ones in my possession, that deserve to be called accurate, are copies of those sketched by the frigate ensign [*Alferez de Fragata*] of the royal navy, Don Joseph de Evia, who was commissioned by the Conde de Galvez in the year 1785 to explore the coasts of this kingdom. The originals are in the secretary's office of the viceroyalty of Nueva España, whither your Lordships should direct your inquiries. With respect, however, to these copies, while others can be made from them, there are no intelligent persons here to whom I can entrust the matter.[61]

[61] Unfortunately only too true. There is a great lack of accurate maps of Louisiana both under the French and the Spanish. The Spaniards were

There are in this command other plans of its district, which include parts of that province, and of the course of the Mississippi River. But besides the fact of the utter impossibility of copying them, there would always be difficulty in preparing them for your Lordships, in order that they might be of any use in the discharge of your important commission, because of the little accuracy I judge them to possess; as they were made without any preceding observations or explorations by those who made them. They were made only as notes and routes of the officers who have commanded field operations against the barbarous nations, and from this or that report of persons of no instruction who have crossed through those same countries. Hence, it very frequently happens that I find it necessary to make additions, corrections, and alterations in them, because of the most recent information that comes in.

If I had within reach the report made by your Lordships (by the Marqués de Casa Calvo) and which the above mentioned order cites, I could by comparing its statements with those of the above-mentioned plans and other papers of my secretary form some notion and aid your Lordships in accordance with your desires; but the lack of it and of all documents whence I might deduce the required information of the true boundaries of Louisiana at the time when the French transferred it to the king, our master, prevents me from doing that.[62]

fearful lest any information should leak out regarding the geography of the region, by which entrance overland to Mexico might be made easier. Consequently what maps were made were buried in the archives. No extensive surveys were made and there were insufficient data to make an accurate map. This proved a constant source of trouble in the boundary discussions between Spain and the United States. See: *Account of Louisiana*, 3; and Cox. *Early exploration of Louisiana* (Cincinnati, 1900), 36, 37.

[62] Benjamin Vaughan in his *Remarks on a dangerous mistake made as to the eastern boundary of Louisiana* (Boston, 1814) argues that since Spain ceded Florida to England in 1763, under the term "Florida (with Fort St. Augustine

Nevertheless, it may serve for your Lordships' direction that the boundaries of this captaincy general in that

and the Bay of Pensacola), as well as all that Spain possesses on the River Mississippi," hence the claim of the Americans to any part of the Floridas was without force. In 1783, Gt. Britain ceded the Floridas to Spain, and in the treaty of 1795 between Spain and the United States, the boundaries of Florida were recognized. The French, however, did have some ideas of the boundaries of Louisiana as is seen from the following extract from a letter from Talleyrand to Decrés, October 2, 1802 (from the Adams transcripts in the Bureau of Rolls and Library, French State Papers, Adet):

"Louisiana, retroceded to France by the treaty of an ix, 9 Vendémiare [i.e., October 1, 1800], must be transferred with the same extent as it actually has in the hands of Spain. In order to determine that extent, I shall indicate to you the boundaries of Louisiana which have been traced with some precision. The treaty of 1763, of which I send you an extract (enclosure no. 2) provides that the eastern boundary of that colony must follow the middle of the Mississippi River from its source to the Iberville River, and then the middle of that river to the sea. The island on which New Orleans is located, also attached to Louisiana, and all that which is located on the left of that boundary is today part of the United States or West Florida. The court of Madrid and the Federal government by a treaty negotiated an v, 5 Brumaire [i.e., October 27, 1795], agreed that the boundaries of Florida and of the United States should be determined by a straight line drawn from west to east at the altitude of 31° of latitude from the Mississippi River to that of Apalachicola, and that that line after some slight deviation would reach the source of the St. Mary's river whose course it would follow to the Atlantic Ocean. The same treaty established that the middle of the Mississippi should serve as a boundary between the United States and Louisiana. There could not from that time remain any obscurity in regard to the eastern boundary of Louisiana and to that of Florida. France had tried, in its negotiations with Spain the portion of West Florida which extends below the 31st degree of latitude to the Mobile River. Señor Urquijo, then Secretary of State replied to General Berthier, who had been entrusted with that negotiation 'that the king was for the present very positive against the cession of any part of Florida; but that he was persuaded that in other circumstances his Majesty would show himself more approachable.' That explanation given by the Spanish minister came to nothing. The change of ministers, the little inclination shown by the present minister to satisfy France on points relative to the cession of Louisiana, have not allowed us to believe that present circumstances were those announced by Señor Urquijo; and from that time, our taking of possession can extend only to the country located between the right bank of the Mississippi and New Mexico. If Spain extends its concession, I shall take care, Citizen Minister to inform you of it. A part of the boundaries of New Mexico and of Louisiana is determined with some precision. The Rio Bravo, from its mouth up to the 30th degree, serves as the line of demarcation. But from that last point, the line is less exact. It does not appear that any convention of boundaries was ever held for that part of the frontier. The farther north one goes, the more vague is the demarcation. Since that part of America is without European settlements and encloses only uninhabited forests or Indian tribes, the necessity of marking a line of demarcation has been less felt there. Neither has any line been drawn between Louisiana and Canada. Since both of those countries belonged to France before the treaty of 1763, there was little to be gained in separating exactly their boundaries, and that has not been done since, for the same reasons that caused the demarcation of part of the wildernesses of Louisiana and New Mexico to be neglected." (See instructions to Victor.)

part have been reckoned from the coast lying between the mouths at the sea of the Caricut or Carcasin River,

Talleyrand (minister of foreign affairs in France, 1797-1807, and 1814) also, in a letter to General Turreau (an xiii, 7 Floréal [i.e., Apri 26, 1805]) says apropos of the boundaries of Louisiana:

"The western boundary of Louisiana ceded to the United States was determined by the convention of 1762, which at that time caused that territory to pass to Spain. It is from that that they derive [i.e., the Americans] all their rights as actual possessors; and those rights do not receive for them any extension from the motives of convenience which make them desire to extend their settlements to the Perdido River." – Adams Transcripts, French State Papers, vol. iii.

Turreau wrote to Talleyrand an xiii, 20 Messidor [i.e., July 8, 1805] as follows:

"However, the English possessions in North America are scarcely the principal object, either of the ambition, or the anxieties of the government of the Union. They wish the Floridas, and by advancing the western boundaries of Louisiana to the Rio Bravo, to come into contact with Mexico and sustain its missionaries. They desire the Floridas because that enters into the general scheme. They desire them especially as a means to reach the place of Mr. Jefferson, whose political succession is already fixed by certain journalists for a certain Virginian notwithstanding his original sin. If the Americans unite the Floridas to Louisiana, they will dominate the commerce of the Gulf of Mexico. Except in time of war, they will prevent the Spaniards from commerce and the result is the same. But they will not stop there. They will pass the Rio Bravo as they have the Mississippi. At first they will occupy all the litteral parts of Louisiana and the Floridas, by uniting the attraction of commerce to the advantages of an agriculture, easy on new lands, the fertility of which, as is the custom, will be exaggerated. Some unrestrained children, some new arrivals, even some planters of the third order will press on ahead, whom a settlement already founded even where the first labors have been recompensed does not always restrain, and whom, often, impatience for change alone bears three or four hundred miles from a locality. That continual vagabondage, which is felt in the south, and in that part of the south where the boundaries are not sufficiently determined, and where, perhaps, it is impossible to trace them otherwise than by latitudes; that system of allowing the population to scatter, which according to many people, will hasten the dissolution of the federal party, because it divides interests, removes connections, ends by destroying and, consequently, by extinguishing public spirit, is perhaps, for the government of the Union, one of the surest methods of conquest. By allowing some of its people to escape some swarms whose sentiments it has either ascertained or commanded, it abandons them afterward to their own inclination. Behold a new settlement, a new act of possession. Those private takings of possession form collectively and within a very short time, a taking of possession for the state. That system had already been followed for the Floridas, and when the Spaniards upon perceiving some considerable encroachments, advanced their first post, they made colonies of them, and therefore excited lively complaints on the part of the Americans. . . I heard with surprise the chief of the government, Mr. Jefferson himself, to whom I remarked that the Americans had advanced beyond the agreed boundaries, reply to me: 'We can not stop a man.'"

Turreau suggests that Cuba and the Floridas be ceded to France by Spain, at the end of the war, in order that France might dominate the gulf. (Adams Transcripts, French State Papers, vol. iii.)

and that named Armenta or Mermentao[63] in a straight line through the vicinity of the port of Natchitoches [*Nachitoches*] to the Colorado River. The express stipulation of article 4 of the treaty of friendship, boundaries, and navigation, concluded with the United States of America, October 27, 1895–namely, that the western boundary of the above states lies along the middle of the channel or bed of the said Mississippi River–is also clear to your Lordships.[64]

On the north (or the part north) of the provinces of Texas, Coaguila,[65] and New Mexico, it can be asserted that the boundaries of this command extend beyond the Missouri [*Misuri*] River. This is as far as the conquests have extended and as far as the Indian tribes who inhabit those countries have been subdued. Those tribes are aided and maintained in the peace, tranquillity, and good relations that they observe by dint of the most active measures and at considerable expense to the royal treasury.

Under this point of view, the representation of which is of the greatest importance to the king's service, I trust that your Lordships' zeal will proceed with such prudence and consideration that the alienation of Louisiana,

[63] The Carcasin or Caricut is the Calcasieu. The Armenta or Mermentao is the Mermenton River of Louisiana which flows into the Gulf of Mexico. It is formed by the Nezpique and Plaquemine Brulé.

[64] This article is as follows:

"It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator. And his Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention."

See: Fuller. *Purchase of Florida*, 361.

[65] One of the interior provinces of Nueva España, usually spelt "Coahuila." It was also called Nuevo Reino de Estremadura. See: Bancroft. *North Mexican States.*

not only will not cause any loss to the territories which his Majesty has been pleased to place in my charge, but that the Indian tribes shall suffer no innovations as to the laws and policies affecting them. In regard to that, in the same genuine and literal meaning of the royal order sent me by your Lordships, I find grounds to protest openly from this time against any innovation or dismemberment which may be attempted by any other nation, both in regard to the possession of the territories and in regard to the fact that the Indians are advising us of the introduction of foreign people, or any alteration or difference in the management, policy, and method which they have experienced hitherto.

These advices on my part will convince your Lordships that they are very much in harmony with the spirit of article 5 of said treaty concluded with the United States of America;[66] and also that in order to resist the loss of any part of those territories which have been considered as belonging to his Majesty's domains, so far as this captaincy general is concerned, by his indisputable rights, there exists the most just cause for the expenses

[66] This article is as follows:

"The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundaries; so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of his Catholic Majesty or his Indians in any manner whatever.

"And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance, or other whatever (except treaties of peace), shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavor to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned."

See: Fuller. *Purchase of Florida*, 361, 362.

which he has made and is making now for its conquest and conservation, in which, in addition to the long time employed, it has cost and is still costing much of his subjects' blood.

This is as much as I can inform your Lordships in reply to your above mentioned despatch, in fulfilment of my duty and in the exercise of my goodwill toward your persons.

May God preserve your Lordships many years.

NEMESIO SALCEDO.[67] [rubric]

Chihuahua, September 26, 1803.

[Addressed: "Don Manuel de Salcedo[68] and Marqués de Casa Calvo."]

II. MANUEL DE SALCEDO TO GODOY

YOUR EXCELLENCY:

SIR: Although as commissioner appointed by his Majesty, together with Brigadier Marqués de Casa-Calvo to make transfer of the province of Louisiana to the French Republic, I inform your Excellency by this communication of having carried out same the thirtieth of last November, in the same terms that our letter of the twelfth of the current month sets forth; yet, I think it advisable for the better service of our sovereign, to inform

[67] Nemesio de Salcedo, brigadier general of the royal army succeeded Pedro Grimarest about 1804 as commandant general of the interior provinces. In that position he accumulated a considerable private fortune. The chief event during his period of office was the execution of the insurgent Miguel Hidalgo and others in Chihuahua in 1811. He was soon after this recalled to Spain. He was a brother of Juan Manuel de Salcedo, governor of Louisiana. See: Bancroft. *History of Mexico*, vol. iv, 276-278; and *North Mex. States*, vol. ii, 282-284.

[68] Juan Manuel de Salcedo was governor of Louisiana and West Florida from 1801 to 1803. As noted by Alliot (see volume i) and other writers, the government was left in the hands of his son and various favorites. See the details of his government in Gayarré's *History*, vol. iii, 447-628.

your Excellency in detail on various particulars, in order that if you should consider it fitting you may take, in regard to them, the resolution which his Majesty deems fitting to give.

In regard to not retroceding more than the province of Louisiana, that is, the portion which France possessed when it ceded that province to Spain, the latter country retains the settlements of Manchak, Baton Rouge, and their dependencies, which, as soon as the United States of America shall take possession of said province, in accordance with the treaties stipulated between them and the French Republic, will be surrounded by said nation. Consequently, those settlements will be exposed at any time to invasion and capture by the United States, as they will have no means of defense. The above-mentioned settlements or posts belong to Louisiana, as also does Mobile as far as the divisional line. The latter place is now very well populated, and I promise myself that by reason of the retrocession of this province, will daily be of greater consequence, since the persons who are resolved to live under the rule of our Catholic monarch are innumerable. The said city of Mobile has a quick and easy communication with Baton Rouge, not only by Lakes Pontchartrain and Maurepas, but also by land.

All these reasons seem to me sufficient so that I ought to establish for the time being the capital and my residence in Baton Rouge. Of its convenience for the greater service of the king, I shall have the honor to inform your Excellency secretly and at length, as soon as I finish setting down the most important news. Meanwhile, I beg your Excellency to have the goodness to obtain from his Majesty his royal approval that I, as governor of Louisiana and West Florida, ought and may establish

my residence in Baton Rouge, charging me, if his Majesty consider it advisable, with the founding of a new city in whatever part of that district may be most suitable, and to place therein the same system of government and legislation as existed in this city of New Orleans. In this manner, the commerce of the Americans in the Mississippi River might be opposed and the grateful memory of our sovereign would be even more permanent, for it yet reigns in the hearts of the greater portion of these inhabitants.

I trust, your Excellency, that Baton Rouge, distant from this capital only forty leagues up the river, will be, with the lapse of time, what New Orleans is now, and many the advantages which its higher location offers. The same is not true of Pensacola in West Florida, as all the little which we possess since the last marking of boundaries with the Americans, is sandy and not at all adapted for agriculture, so that all its food supply, except flesh, is carried thither from this place. Consequently, by what has been set forth, your Excellency will easily deduce that there are only two points in which the general government of these possessions of our king may be established, either in Baton Rouge or in Pensacola – for I do not mention Mobile as its situation offers no convenience for the security of the country, nor for the prosperity of commerce – and that of the two above-mentioned points, Baton Rouge is preferable.

I shall not neglect to show your Excellency respectfully for this reason the little importance which, in my humble judgment, attaches to his Majesty's dominions in the possession of the two Floridas and of this isthmus, so to speak, which is formed by Baton Rouge. It is not my intention, your Excellency, to introduce myself into the determinations of my superiors, for your Excellency

must believe, and I beg you will believe, that I have no other object than my zeal, which assists me for the better service of the monarchy, and to respond to the confidence which I have merited from his Majesty, when he conferred upon me the political and military command of these provinces. Said possessions are a continual expense of money, and much more at present, when all their fortifications are in ruins. On the contrary, the left bank[69] of the Mississippi is the richest part of this province of Louisiana, and of the continent of the kingdom of Mexico, the Interior Provinces, etc: which is exactly what his Majesty has considered it fitting to retrocede to France, and France to the United States. The latter, with great ease, can get together an army of more than one hundred thousand men, and enter the above-mentioned possessions.

Consequently, your Excellency, I most humbly consider that your Excellency, convinced of the truth of my declarations, would be the best or perhaps the only instrument, who, with your prominent talents, could free the Spanish nation from so fatal an act, and firmly plant the commerce of Spain in this Gulf of Mexico; and show our soreveign the so great advantages which would result to his royal crown and faithful subjects, if the United States were to take the two Floridas, east and west, Mobile and Baton Rouge, with their dependencies, and cede to Spain all the left bank of the Mississippi, the latter thus serving as a natural boundary between both nations. In a short time, I promise myself, that the good effects of such a negotiation would be experienced.

It now remains for your Excellency to have the goodness to inform his Majesty of what I have here set down,

[69] The west bank, which is usually spoken of as the right shore by most writers.

if you judge it worthy of his royal attention; also, likewise, to incline his royal mind to be pleased to grant me as recompense for forty-eight years of good service, and for the merit which I may have acquired in the vast commission of the transfer of this province, and the marking of boundaries. Notwithstanding that I have asked retirement to the Canary Islands, because of said transfer, as I thought not only Louisiana but West Florida was included in the transfer, [I beg] that he continue me as such governor of the portion remaining to his Majesty's dominion, for five years, or the term that should be in accord with his royal will: for my only desires are to sacrifice my life in his royal service, in imitation of all my ancestors. If his Majesty should not think it fitting to accede to this my petition, at least may he have the goodness and kindness to grant me the favor of my salary entire, which I am now enjoying, to my eldest son, Captain Don Manuel de Salcedo, in whatever position he may be employed, as he is my only prop in my old age. That relief will be a recompense in part of the excessive expenses which I have had in this province for the honor of his Majesty's royal crown, out of respect to the colonial prefect Citizen Laussat, and of the two commissioners of the United States for the taking of possession.

May our Lord add many years to your Excellency's important life. Your Excellency, the most attentive and respectful servant of your Excellency kisses your hands. MANUEL DE SALCEDO.

New Orleans, December 13, 1803. [rubric]

[Addressed: "His Excellency the Prince of the Peace."]

[Attached to this letter are the following documents:]

1. OBSERVATIONS IN REGARD TO THE BOUNDARIES BETWEEN THE DISTRICT OF NACOGDOCHES [70] AND LOUISIANA WHEN FRANCE OWNED THE LATTER

The boundaries between these two provinces were never fixed. The scanty population in those contiguous districts never gave any motive for discussion in order to erect them.

Los Adages,[71] weak in population and remarkable only for the large garrison in the fort, had no reason for uniting with the weak guard of Nacogdoches; and those two points lived in the greatest harmony. However, the system of government of Louisiana having changed, and a commercial company having taken possession of that immense country, the Spanish government determined to fix the point to which the new possessors, ambitious of lands, commerce, and trade with the Indians, might extend themselves.

With this idea, Spain sent engineers who, together with the French engineers, betook themselves to the Spanish fort, which was established one league in the interior, on the right shore of the Colorado [i.e., Red] River.

It was determined there, that the fort would be the point whence a line should be run south to the sea. Consequently a line was run due south, and cutting the mouth of the Bayou Bleu, to the seashore. This very costly and extended line was marked, and now trees, on which the visible marks or plates will show the true position of that boundary, may still remain.

[70] See: Garrison, *Texas*; and Bancroft, *North Mex. States and Texas*, vol. ii.

[71] Adaes, the name of a tribe of Texan Indians.

MAP OF LOUISIANA AND PART OF THE FLORIDAS, 1803
From the original in Robin's *Voyages*.

That point determined, they took the River Rojo [i.e., Red] from the fort to its source, as the second boundary of the northeast, but left the other points undetermined.

Matters remained in this way for a certain number of years, until repeated freshets disturbed the small fort of Natchitoches, which was so badly located on an island that another location had to be sought for its establishment, and that of a city.

The fort of Los Adages was then in its greatest vigor, and dominated all that district, and Spain had even established a watch on the right bank of the river opposite the small French fort.

There was no other means for the founding of a city than a position on the left bank. This was a ranch belonging to one Gabriel, but it was not convenient nor well located.

Consequently, it was necessary to have recourse to the right bank. Permission was asked from the viceroy of Mexico to settle thereon and a portion of land sufficient for a city and its dependencies was asked of him.

In consideration of the slight importance that was given to that country, Spain allowed France to found the fort of Natchitoches on the right bank,[72] and granted it a portion of land which was fixed in extent by the course of the Bayou called Laurel, from its junction with the Colorado River and up as far as its source, and from that line northwest as far as above-mentioned river. Upon the banks of the bayou was planted a laurel, which gave it its name, on the road leading to Los Adages. That was the exact point at which ended the rights of each government.

[72] The land on which the French fort was built was an island in time of high water; but in 1735, it was moved slightly to the west. See: Garrison. *Texas*, 81, 82.

The difficulty of transporting food and supplies to Los Adages very shortly determined the Spanish government to withdraw that post toward San Antonio, with the object of favoring transportation by this contiguity.[73] They were ordered to move to the shores of the Trinidad River between the nation of the Orguoguizas,[74] their allies. The day of their arrival was that of the saint who gave his name to that post which they called San Agustin. There they remained for sometime, but, having been molested by several hostile nations for some years, they moved farther up, and abandoning the seashore, settled on one of those neighboring places, where the lands heaped up by the last flood do not form secondary lands, but are lower than those called Los Derumbaderos.

One of the most severe inundations drove them thence, and they thought to settle on the banks of the river, a league farther westward, but that position badly located far from the river, with relations with no friendly nation, and persecuted by various barbarous nations, in the midst of whom they were located, resolved them to move a second time near Texas.

They experienced great difficulty in moving their effects and driving their cattle, and wandered for a whole year on the banks of the beautiful Trinidad River, followed by the evil glances of the Spanish government, which saw with anger its frontiers deserted, they were obliged to go back. The permanent location of those lands had attracted to Los Adages the friendship of some weak nations who found great resources among them by the supply of ammunition.

[73] The real reason for the withdrawal of the fort was the hostility of some of the neighboring Indians.

[74] Or Orcoquisac. The name was applied to a presidio.

They chose three of those nations whose fidelity was known to them, namely, the Aloyagues, the Alnays and the Ais (all three forming a triangle). They encamped between the Nacogdoches, guarded by the said three nations who were about them as so many sentinels, being much more vigilant because they had to fear for themselves.[75]

That post having been consolidated, communications became easier, and from that time it became a division of the province of New Mexico dependent on the governor general of the kingdom.

Thereupon, the French having free passage through those districts to the east of Nacogdoches, traded and hunted as far as they could on Spanish territory, so that many of their traders were apprehended and their merchandise confiscated. The commandant, Don T. Ylibarba, complained to the viceroy, asking that such undertakings be checked. But as it seemed impossible to the viceroy to check it entirely, especially on the eastern shore of the Sabine [*Sabinas*] River, he allowed the French to hunt and trade freely in that district, nevertheless, compelling each person to provide himself with a passport from the government of Nacogdoches. That passport was to specify the reason for the voyage of each person.

This excited new difficulties. All who inhabited the eastern shore of the Sabine [*Sabina*] River were French. The post was distant and considerable abuses arose from such an order. On that account, it was resolved anew that passports should be given by the commandants of the French posts, as far as the said shores, but that they

[75] The Ais were the Hasínai or Caddos. Aloyagues suggests Halona, the name of a village of the Zuñe and formerly one of the seven cities of Cibola. See: Hodge. *Handbook*, vol. i, 179-183, 527, 528.

could not go further with those same passports, unless they were viséed by the commandant of Nacogdoches.

That point established, and all difficulties settled, many years passed in perfect understanding, and only a few traders were the victims of their imprudence, or of neglecting to get their passports.

A long time after, the commandants of Opelousa[s] and of Natchitoches believed it to be clear, and of no doubt that their powers extended as far as the inhabitants who had fixed their residence on the eastern shore of the Sabine River.

2. TALAMANTES Y BAEZA TO CARONDELET

BARON DE CARONDELET:

DEAR AND RESPECTED SIR: Your Lordship can not be ignorant of the differences that have occurred between our court and the Congress of the United States of America in regard to the western boundaries of Louisiana which your Lordship governed so gloriously and which after having been ceded to France for the payment of our debts was sold immediately to the Anglo-Americans. In order to sustain those pretensions of theirs, they introduced troops into our province of Texas, where hostilities threatened, which was finally able to be avoided by the commandant, Brigadier-general Don Nemesio Salcedo and the English [i.e., American] general, Wilkinson, promising to recognise as neutral the disputed territory until the friendly decision of both powers. Our court not having in hand the documents which can prove its assertions, has had recourse to this viceroyship of Mexico, and has demanded by an insistent executive royal order the necessary instructions. Since such instructions should be drawn up after an ex-

amination of the documents which will be found in the public archives of the kingdom, accordingly a disengaged person who can undertake so laborious a task is indispensable. I have been commissioned for this purpose, by this superior government, in conformity with the approval of the fiscal of civil affairs. As soon as I took charge of this so important matter (which has occupied me from that time for two months), I determined to have recourse to your Lordship – since you were at the head of that province, and since you were so well known for your tireless application and activity, and by your great and sublime knowledge and by your gubernatorial prudence, you could not be lacking in information on a matter which was of so great moment to you – and to ask that you would have the kindness to supply me generously with those things which might be fitting. In this your Lordship will be serving the public cause and the general tranquillity of the kingdom. In this belief I address your Lordship by the present request for advice [*consulta*] as I desire to know what were the western boundaries of the province of Louisiana during your Lordship's term of government, from the point nearest the Gulf of Mexico to its farthest point toward the northwest. On this point what was the tradition of the people of New Orleans [*Orleaneses*] and the ancient possession of the province? [I desire to know] whether documents exist in the archives of Louisiana, and what kind; and, lastly, all the other information which your Lordship may hand me concerning this matter, and which you might have acquired in any manner whatever by your unceasing vigilance. It is understood that your Lordship's reply will be inserted literally after this letter in the work which is to be sent to his Majesty by the first secretary of state.

May God preserve your Lordship many years. Your servant and chaplain kisses your Lordship's hands.

FRAY MELCHOR TALAMANTES Y BAEZA.

Mexico, April 1, 1807.

This is a copy of its original which is in this secretary's office of the Presidency which is in my charge on behalf of his Majesty. I certify the same. Quito, July 21, 1807.

JUAN DE DIOS MORALES.

Collated. [rubric]

3. CARONDELET TO GODOY

[Note at head of letter: "The President of Quito because of a request from Mexico, regarding boundaries of Louisiana, by virtue of a royal order, declares to your serene Highness that which appears to him in this particular for whatever use may be advisable, sending it moreover to the secretary of that government, Don Andres Armesto, who is informed of the whole matter."]

NUMBER 28

MOST SERENE SIR: Having received the despatch of the viceroy of Mexico (copy of which is enclosed under number 1, with the letter inserted in the same under number 2) three months after its date, and having to delay my reply to your Excellency a much longer time for the lack of opportunity for sending mail at present to Acapulco, I believe it my duty to send directly to your serene Highness the reports asked of me, inasmuch as they may be important in the solution of the question pending between the court [of Spain] and the Congress of the United States of America, in regard to the boundaries of Louisiana and the province of Texas and other interior provinces.[76]

[76] On the boundaries of Texas and Florida, see: *The Province and the States*, vol. ii, chaps. vii, viii, 269-365.

There is no doubt but that in the archives of the government of Louisiana will be found a copy of the cession made of the same by France to Spain in the year 1763, with a statement of its boundaries; but since I am ignorant where said archives have been transferred, since the retrocession to France, I can only assert that the secretary who held that office during my term in that government, Don Andres Armesto, will give account, not only of the place where that document is conserved, but of everything referring to the matter, because of the adequate and perfect knowledge which he possesses of all that occurred in that Province since it passed under the control of Spain.

The general opinion during my term of government was that Louisiana had as boundaries the Salado River. It is evident that the first settlement which the French made upon that coast was located on the west bank of the San Bernardo Bay [i.e., St. Bernard]. It is equally evident that Monsieur de la Salle, its commandant, having been murdered, they abandoned it in order to locate on the shores of the Mississippi. Lastly, it is evident that during my term of government, when the population of that vast province was so greatly increased, never did it extend more than from the ninety-fourth degree of longitude, from the Gulf of Mexico to the Missouri River.

During the last year of my term of government, it was rumored that some Anglo-Americans had taken from us some houses on the shores of the San Bernardo Bay, uninhabited until then by the fear infused by certain cannibal savages, who frequented that district. I petitioned Marqués de Branchiforte,[77] viceroy of Mexico, for two

[77] The Miguel de la Grua Talamanca y Branciforte, Marqués de Branciforte, a Sicilian, arrived as the fifty-third viceroy of Nueva España, in 1794,

brigantines of war, which were conceded to me to ascertain what foundation there was for that rumor and to expel those intruders at all cost; but, having been delayed in New Orleans by various contingencies, their commandant wrote me from Vera Cruz that the season was too far advanced for him to fulfill his commission.

From the above-mentioned, it results that the vast territory comprehended between the ninety-fourth degree of longitude from the Gulf of Mexico to the Missouri River, and the provinces of Texas and other interior provinces, have not been occupied until the year 1798, when my term of government ended, except by numerous savage tribes who invaded them; and that neither the Louisianians nor the Anglo-Americans had formed any settlement therein.

Had the district now being contested been indicated to me, perhaps I could have discussed the matter with more propriety, but, since eight and one-half years have elapsed since I have been fulfilling the duties of this presidency, if your Serene Highness will be pleased to grant me the relief which I have asked for a long time, I shall quickly go by way of Acapulco to Mexico, or to Havana, whenever it may be considered, that because of the confidential and secret relations which I maintained by order of his Majesty, as your Serene Highness may recall, with persons of much consideration in the United States, I may coöperate in securing a happy end to the negotiation of boundaries established between the province of Texas and Louisiana. May God preserve your Serene Highness many years. Most Serene Sir

THE BARON DE CARONDELET.

Quito, July 21, 1807. [rubric]

and ruled until May, 1798. He was weak and venal, and correspondingly unpopular. See: Bancroft. *Mexico*, vol. iii, 484-490.

[Addressed: "Most Serene Admiral and General, the Prince of the Peace."]

[Note on document by clerk:

["The former President of Quito, Baron de Carondelet, in a despatch of July 21, of last year says that by reason of a royal order by which he was asked from Mexico for information concerning the bounaries of Louisiana, he has deemed it advisable to report that in the archives of said province will be found the copy of cession made by France to Spain in 1763, with its boundaries specified in detail; but that he does not know the location of the archives. Consequently, he states that the former Secretary, then Don Andres Armesto, will give a full account of everything, because of the knowledge which he had acquired thereof.

["That the general opinion was that Louisiana had as boundaries the Salado River, and that it is evident that Monsieur la Salle made a settlement on the western shore of San Bernardo Bay and that after the death of that Commandant that post was abandoned in order to locate on the shores of the Mississippi.

["That during his term of government, in which that Province advanced so greatly, never had it extended farther than ninety-four degrees of longitude.

["Lastly, he says that if he should be granted his relief, he could go by way of Acapulco to Mexico or to Havana, and that by means of the intimate relations which he maintained when he was Governor of Louisiana, with persons of great consideration in the United States, he might coöperate for the happy termination of the negotiations over boundaries now on foot between the Province of Texas and Louisiana."]

III. CASA CALVO TO CEBALLOS

Index of the private correspondence addressed on this date to his Excellency Don Pedro Cevallos, first secretary of state and of its universal despatch by Brigadier Marqués de Casa Calvo, commissioner for the transfer of the province of Louisiana.

NUMBER I

[Note by clerk: "He informs him of the exaggerated ideas which the Americans had formed regarding the boundaries of Louisiana, namely that they extend on one side to the Rio Bravo, by which the province of Texas [*Tejas*] would be included almost entirely in the province of Louisiana; and on the other side to the Perdido River, which would comprehend Mobile. He manifests his decided opposition and urges that opportune measures be taken in order to prevent the west side of the Mississippi from being included in any other dominion than that of Spain. He reports that they are making the inventories and estimating the royal buildings, and the military supplies which are to be surrendered to the French Republic. New Orleans, January 13, 1804."]

YOUR EXCELLENCY: By ordinary despatch of December 22, last, number 9, your Excellency was informed of the transfer of the province by the commissioner of the French Republic to the commissioners of the United States of America; and, although the time of this government is short, nevertheless, I have not failed to penetrate some of their ideas and projects.

They were persuaded that Mobile [*Movila*] and its district ought to be comprehended in the territory ceded on the eastern side of the river, which they said was

founded on very ancient treaties. But the French commissioner has undeceived them, and we shall have no difficulty on that point.[78] But, doubtless, there will be difficulty as soon as it is a question of the boundary on the opposite side, since both the commissioner of the French Republic and the commissioners of the United States understand that the line is to begin or to conclude at the point where the Rio Bravo [*Brabo*] empties into the Gulf of Mexico. This is a classic absurdity since, if it were so, they would be owners of all the province of Texas and its settlements. Of its location, rivers, distances, and other points, I have acquired sufficient information both by the voyage that I made to Mexico last year, 1803, overland for a distance of three hundred and seventy-five leagues, and by other relations which

[78] Jefferson in a letter to Breckenridge (August 12, 1803) expressed confidence that all of the Floridas would some day belong to the United States. Folch in a letter to Claiborne (May 10, 1804) discusses at length the eastern boundaries of Louisiana, and the claims of the United States relative thereto. The latter unjustly claim the land between the Perdido and Iberville Rivers, for that territory was ceded to Gt. Britain in 1763. The same district was conquered in war by the Spaniards during the war of the Revolution. Folch protests against the attempts of Congress to exercise jurisdiction in the disputed territory. — Bureau of Rolls and Libraries, Dept. of State, Governor Claiborne's *Correspondence*, vol. ii. Claiborne in his letter of May 30, 1804 to Madison says of the eastern boundaries of Louisiana:

"I fear the Spanish Court will not readily admit that any part of West Florida is included in the treaty of [San] Ildefonso; at least the officers of Spain who are here, deny that the treaty is capable of such construction, and I am sorry to find that many of our citizens avow a like Sentiment; it is probable however, they are influenced by interest, for many are concerned in Morales's Speculations, and I give it to you as my opinion, that there is very little land in West Florida but what has been surveyed and is now claimed. If therefore it should unfortunately happen, that a second negotiation should be resorted to, in order to acquire West Florida, the government ought to recollect that they can acquire little vacant land, unless Morales's unjust sales should be formally disavowed by his Catholic Majesty."— Bureau of Rolls and Library, Claiborne's *Correspondence*, vol. ii.

Thomas M. Randolph discusses at length the boundaries of Louisiana in his *Letter to his constituents* (Washington, 1806). He treats of the deliberations of Congress in regard to the new territory, the claims of the United States to West Florida, as rightfully a part of Louisiana before 1763, and negotiations with European powers. It is an attempt to further Jefferson's pretensions in regard to West Florida.

have allowed me to form a suitable plan for obtaining the knowledge necessary for our purpose, and assuring ourselves afterward in the work of marking the boundary, which is an object of the greatest importance.[79]

The inventories and appraisals of the edifices belonging to his Majesty are now being made, and consequently, I have not discussed, even in a despatch, the point of boundaries. But I am certain I shall not facilitate it since immediately we shall touch upon the inconvenience which I have set forth, and from now on I beg your Excellency to please approve my conduct in this particular, since we must not hear even the affirmations which they may make in favor of their claims.

Also, they propose to establish in the Balise [*Baliza*]

[79] The southwestern boundaries of Louisiana were not defined until the treaty of February 22, 1819, when Florida was acquired from Spain. They were laid down in article 3 as follows:

"The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence by a line due north, to the degree of latitude where it strikes the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea. All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said Rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

"The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever."

See: Fuller. *Purchase of Florida*, 372, 373; also, Robertson, C. F. *Louisiana Purchase* (New York, 1885), 11.

or mouth of the Mississippi a great storehouse to supply the vessels for the illicit trade which, doubtless and almost irremediably, they will carry on along all the coast from Nuevo Santander, and to avoid in this manner the delay and penalties which are caused by going up the river. This is a plan which merits the whole attention of your Excellency, since by this enterprise they will necessarily ruin the commerce of Vera Cruz, and as well that of the capital and other cities of the kingdom which sustain that of the interior provinces. For the same plan is to be worked out in Natchitoches, the boundary of this province and very near Nacogdoches [*Naguedoches*], the first settlement of our territories, which is dependent on San Antonio de Bejar.

We are already beginning to see a verification of the losses which must be experienced by the state, if the west bank of the river remains in the possession of any other power. On that head, I have represented to your Excellency that Colonel Don Carlos de Haut [i.e., Hault] de Lassus,[80] commandant of Saint Louis des Illinois [*San Luis de Illinois*] advises me, by date of December 9, last, that the seventh of the same month Mr. Merrywether [i.e., Meriwether] Lewis, captain in the army of the United States, and former secretary of the president of that country, presented himself with a passport from the president and from the commissioner general of commercial relations of the French Republic, in order that he might ascend by way of the Missouri [*Misuri*] River to make various explorations. He was persuaded that he would not meet with any obstruction, because the province must already be in the possession of the French government or possibly in that of his own

[80] See Houck's *History of Missouri* for the operations of De Hault de Lassus in Upper Louisiana; and his *Spanish Régime* for letters and reports by him.

states; but since that point was yet in our possession, the commandant forbade the above-mentioned captain to pursue his voyage, and reported his determination. But, since the Americans are in possession of the country, we can not now prevent their expeditions, which it is beyond question they will repeat, in order to make themselves perfect masters of the river, and its navigation and traffic, and of the wealth of Sonora and Sinaloa, as is set forth to your Excellency in my secret letter of August 20, of last year.[81]

The discontent which reigns here among all the inhabitants is general. They are clamouring for the Spanish government, and there would be very few of them who would not sacrifice half their interests to see that government reëstablished. They live still in hopes that the opposite side [of the river] will be kept entire by Spain, and they promise to found new settlements, for which the advantageous locations which there can be chosen allure them, as also the fertility of the lands in that vast extent, and the rivers which empty into the Gulf offer a number of small ports which will facilitate their trade, and avoid clandestine trade.

I must then, your Excellency, in honor of the general welfare of the nation and the security of his Majesty's dominions, show your Excellency that fate has offered you a chance to acquire an equal or greater glory than the illustrious Cortez. The latter conquered the Mex-

[81] The history of the interior provinces of New Spain is yet to be written in great part. It is found scattered in many documents, comparatively few of which have yet been published. The report of Dr. Herbert Bolton on the Mexican archives, which is to be published by the Carnegie Institution will doubtless furnish much for this history, as will also the investigations of Mr. Irving B. Richman, of Muscatine, Iowa. Some interesting documents will be found in the series edited by the Spanish scholar, Garcia Icazbatceta. See also: Bancroft. *History of the North Mexican States* (San Francisco, 1884-1889); and *Arizona and New Mexico* (San Francisco, 1888).

ican empire for our monarchs, and your Excellency is trying to preserve it. There is no doubt that the first is more easy than the last. Knowing this, and also that the love and zeal which I profess for the greater service of the king, are the agents which impel my sentiments, I manifest this to your Excellency so that if it merits acceptation, you may take the measures that you deem advisable in order to avoid having the west side of the Mississippi from its mouth up past the river St. Pierre [*San Pedro*] (I refrain from fixing the point in order not to agree to the line formed by the English Vancouver and the Spanish commissioner from Natcasond [i.e., Nootka Sound] to the Missouri River and the interior of Canada) remain in other hands than those of our government.[82]

Reflecting that this advice must be interesting, and that it is necessary that I continue them without uniting [with those others] for the reason already expressed, I will commence to enumerate them and send them in a separate index.

May God, etc., [MARQUÉS DE CASA CALVO.]

[New] Orleans January 13, 1804.

[Addressed: "His Excellency Don Pedro Cevallos."]

IV. CASA CALVO TO MINISTER CEBALLOS

1. SECRET DESPATCH NUMBER 2

YOUR EXCELLENCY: In order that your Excellency may send your ideas with respect to the document enclosed in the secret despatch which precedes, I enclose copies of the despatch which I sent to the colonial prefect in regard to the boundaries of the retroceded prov-

[82] See: Manning, "Nootka Sound Controversy," in the *Report of the American Historical Association for 1904*.

ince of Louisiana, and his reply thereto showing the exorbitant claims of the French Republic.

On that hypothesis [of the prefect], from which it is certain the commissioners of the United States will not depart, I am obliged to await the orders of his Majesty, and am resolved not to begin the demarcation except at the Sabine River, from its outlet into the gulf, and ascending it as far as the Bayou of Laurels two leagues from Natchitoches, where they say quite commonly that the boundaries between the provinces of Texas and Louisiana were fixed. I shall endeavor to gain as much time as possible in order to ascertain the true position of the Bravo and Sabine Rivers, making use of the observation agreed upon with the ship captain, Don Ciriaco Ceballos, commander-in-chief of the revenue vessels [*guarda costas*] of the gulf. His arrangements I hope merits his Majesty's approval, as it can contribute only to the greater interests of his royal service, and the conservation of his dominions.

May God etc., [MARQUÉS DE CASA CALVO.]

New Orleans, March 30.

[Addressed: "His Excellency, Don Pedro Ceballos."]

[Attached to this letter are the following:]

(a) LETTER TO THE COLONIAL PREFECT

MONSIEUR COLONIAL PREFECT, commissioner of the French Republic: Since the work of evaluation and transfer of the buildings is advanced, we must think of the most important object of our commission, namely the demarcation of boundaries. The edict published by us on May 18,[83] last year, having been approved by

[83] This edict, which is translated from a copy of the original printed official form, endorsed by hand, and which was sent to the editor from the Archivo de Indias (where other copies of it exist among the Papeles procedentes de la

his Majesty, there is no doubt that the boundaries of the east bank of the St. Louis [*San Luis*] or Mississippi [*Misisipi*] River will remain as they were irrevocably

Isla de Cuba — see also another translation in White's *New Recopilacion*, vol. ii, 192-194) is as follows:

"Don Manuel de Salcedo, brigadier of the Royal Armies, military and political governor of the provinces of Louisiana and West Florida, inspector of the veteran and militia troops of those provinces, royal vice-patron, judge subdelegate of the superintendency general of posts, etc.; and Don Sebastian Calvo de la Puerta y O'Farrill, marqués de Casa-Calvo, knight of the order of Santiago, brigadier of the royal armies, and colonel of the regular regiment of Havana — both commissioned by his Majesty to make transfer of this Province to the French Republic:

"Know all subjects of the king our Lord, of whatever class and condition, that his Majesty has resolved to make retrocession of the province of Louisiana, to the mutual satisfaction of both powers. Continuing the same proofs of protection and affection that the inhabitants of this province have always experienced, he has considered it advisable to determine, among other things, certain points of which we believe it our duty to inform the public, for the special conduct and guidance of those whom it may concern.

"1st. His Majesty bearing in mind the obligations imposed by the treaties, and desirous of avoiding the disputes that may arise, has been pleased to resolve: that the transfer of the colony and island of New Orleans, which is to be made to General of Division Victor or any other official legally authorized by the government of the French Republic, shall be confirmed in the same terms in which France ceded it to his Majesty; by virtue of which the boundaries of both shores of the River St. Louis or Mississippi shall remain as they were fixed irrevocably by article 7 of the definitive treaty of peace concluded at Paris, February 10, 1763. Consequently, the settlements from the Manchak or Iberville River to the line separating the American territory from the king's dominions shall remain in the possession of Spain and annexed to West Florida.

"2d. All persons employed in any department whatsoever, and desirous of continuing under the king's dominion, may pass to the city of Havana or to any other points in his Majesty's possessions, unless they prefer to remain in the service of France, which they may freely do. But if any well founded and just reason should at present hinder the former from complying with this provision, they shall represent the same in due season by their respective chiefs, for the proper determination.

"3d. The generous charity of the king will not cease to continue the pensions granted to widows and those retired, and at a fitting occasion such shall be informed in what manner this shall be done.

"4th. His Majesty, manifesting his hopes for the advantage and tranquillity of the inhabitants of the colony, promises himself from the sincere friendship and close alliance uniting the Spanish government to that of the Republic, that the latter will issue its orders to its governor and other officials employed in its service in the said colony, and in the city of New Orleans, so that the ecclesiastical persons and the religious houses, which serve the curacies and missions, shall continue their functions and enjoy the same privileges, prerogatives, and exemptions that were granted to them by the titles of their foundations; that the common judges, as well as the tribunals established for the administration of justice, shall continue according to the laws and customs of the colony; that the inhabitants shall be maintained in and preserved in the peaceful possession of their property; and that all the grants or rights of possession, of whatever sort, made by the governors of these provinces, even if

fixed by article 7 of the definitive treaty of peace, concluded at Paris, February 10, 1763.[84] Consequently, the settlements from the Manchak or Iberville River to the line separating the American territory from the king's dominions, remain in the possession of Spain, and annexed to West Florida, and the line drawn along the middle of the Iberville [*Yberbile*] River and Lakes Maurepas [*Morepas*] and Pontchartrain east and west to the sea, has been recognized as the boundary of Louisiana. Consequently the islands located south of said line and the island opposite or north of the territory of West Florida, belong to Louisiana. It remains, then, to determine those boundaries belonging to the west margin of the Mississippi River, which as we have heard begin at the mouth of the Sabine River and follow the latter river as far as the Adaes. The terminal or limit of that province with that of Texas being near Natchitoches, we propose to continue this demarcation in accordance with our understanding of the circumstances. And since we are to draw the line by the consent of both commissions, we inform your Lordship of it, so that you may be pleased to tell us when you will be ready to undertake the voyage and begin the demarcation, noting all

not confirmed by his Majesty, shall be confirmed to them. And it is hoped, further, that the government of the Republic will give to its new subjects the same proofs of protection and affection that they have experienced under his Majesty's dominion.

"5th. In order that all those concerned may come to the resolution which they consider best to their interests, we also give notice that in cases of doubt, they must apply to either of us for the suitable solution thereof, in accordance to the royal orders and instructions which we bear.

"And in order that the present edict may come to the notice of all we order it to be proclaimed, with all the accustomed solemnity and requisites, to the beat of military drum, and that it be affixed at the usual places.

"Given in New Orleans, May 18, 1803. MANUEL DE SALCEDO.
MARQUES DE CASA-CALVO.
By order of their Lordships, CARLOS XIMENEZ, notary of war."

[In writing is added to this printed form: "It is a copy from its original. ANDRES LOPEZ ARMESTO (rubric)."]

[84] See volume I, note 141.

other matters which you on your part may consider advisable.

May God etc., MANUEL SALCEDO.
THE MARQUÉS DE CASA CALVO.

New Orleans, January 19, 1804.

(b) BOUNDARIES OF LOUISIANA ACCORDING TO RETROCESSION

New Orleans, an xii, 29 Nivose [i.e., January 18, 1804] the Colonial Prefect, Commissioner of the French government to their Lordships Salcedo and the Marqués de Casa Calvo, brigadiers of the Army of Spain, commissioners for his Majesty, etc: Messrs. the Commissioners, I reply to your Lordships' despatch of yesterday, relating to the extent of country which is to be included in the retrocession of Louisiana, in the terms which Spain has made to France.

The treaty of San Ildefonso of 9 Vendémiaire [i.e., October 1, 1800] states expressly as follows:

> ARTICLE III. His Majesty promises and pledges himself on his part to retrocede to the French Republic the colony of the province of Louisiana with the same extension that it now has in the possession of Spain, and that it had when France owned it, and such as it ought to be in accordance with the treaties celebrated subsequently between Spain and other powers.

I am entrusted vaguely to take possession of the country according to the terms of the treaty, and without any other demarcation of boundaries. Thus the French government had not understood in any manner that I should proceed to make a later demarcation, or that for that purpose that I should undertake any expedition into the interior of these lands, and consequently it has not authorized me to do so.

Nevertheless, I believe I will be conducting myself according to the intentions of my government toward a friendly power and intimate ally, if I inform its repre-

sentatives what were the ideas and instructions of France on this head. The boundaries of Louisiana retroceded to the Republic are, southward, the Gulf of Mexico, westward, the Rio Bravo from its mouth to the thirtieth degree of north latitude, from whence the line of demarcation has not been determined toward the northeast, as well as toward the north, where it is lost in the vast wildernesses in which there is no European settlement and in which it seems that even the necessity for boundaries is unknown.

On the east of Louisiana the boundaries are a line drawn from the source of the Mississippi midway between its banks to the Iberville River and thence the line drawn along the middle of it and then passing also along the middle of Lakes Pontchartrain and Maurepas to the sea. Your Lordships, the commissioners, must consider this communication as purely gratuitous [*officiosa*], for it is nothing more than a simple note without any authenticity.[85]

[85] Napoleon's pointed remark that it were well to create an ambiguity in regard to the boundaries of Louisiana is well known. Jefferson defined them as follows:

"The unquestioned bounds of Louisiana are the Iberville and Mississippi on the east, the Mexicana, or the highlands east of it on the west; then from the head of the Mexicana gaining the highlands which include the waters of the Mississippi, and following those highlands round the head springs of the Mississippi to its source where we join the English or perhaps to the lake of the Woods."

They are defined differently by many writers, but all are almost equally vague. Vergennes [*Mémoire sur la Louisiane* (Paris, an x—1802)] says:

"Louisiana extends north and south, from the sources of the Mississippi to the Gulf of Mexico. At the north it comprises all the lands and rivers west of the bay of Noquets and of Lake Michigan, all the country of Illinois, all the courses of the Wabash and the Ohio, from its junction with the Mississippi to its great falls to fifty leagues below Rock River. To the southeast, that is, below the Ohio, it comprises from its great falls, or the Charbons River, all the lands and rivers lying between the Appalachian Mountains, Spanish Florida, and the Mississippi, to the mouth of the latter in the Gulf of Mexico."

The account of Jean François Dubroca [*L'Itineraire* (Paris, 1802)] is almost word for word the same as this. See, also: Jacquemin, Nicolas. *Mémoire sur la Louisiane*, 2, 3; Stoddard. *Louisiana*, 131-149; Brackenridge. *Louisiana*, 23-27; and Houck. *Boundaries of the Louisiana Purchase* (St. Louis, 1901) which gather together the opinions of many authors regarding the boundaries.

In what regards me, far from it being my duty to go to mark the boundaries of Louisiana, I am ordered very positively to exert myself for another object, and I wait no more than to find myself free of the matters which detain me here for my double mission with Spain and the United States, and to find a vessel at my disposal.

I have the honor to salute your Lordships with the greatest consideration. LAUS[S]AT.

2. SECRET DESPATCH NUMBER 6

YOUR EXCELLENCY: I send your Excellency the notice of the persons who are to make up the expedition for the boundaries in this province of Louisiana, in order that if your Excellency is pleased to bring my letter to the royal notice of the sovereign it may merit his approval. In organizing it [i.e., the personnel of the boundary expedition], I have kept in mind, in addition to the reports given by persons employed in commissions of like nature, the local knowledge of part of this province, and the practice observed in the recent demarcation of boundaries determined between the dominions of his Majesty and the United States of America, at the common expenses of both.

With this purpose, and guided by the most strict economy, and mindful that the greater part, if not all the work must take place on the seacoast in rivers, lakes, and creeks, whose margins, absolutely uninhabited, are alone frequented by Indians and hunters and in thickets bare of all human asylum, it seemed to me best to assign the gratuities which are noted [herein], as a recompense in any way for the services and extraordinary expenses of those employed.

The character of associate commissioner for the demarcation of boundaries conferred by his Majesty on

the sargento-mayor of brigade in the royal corps of engineers, Don José Martines. The active part which necessarily he must have in all the work of observation and inquiry, gives him the right to a salary of three thousand five hundred pesos. This is the sum to be paid to the astronomer commissioners of the dividing line between the territories of his Majesty, who not only will condescend to confirm this assignment, but who from the day in which he shall begin to take the observations shall pay him the annual salary of three thousand five hundred pesos.

I have designated as surveyors, appointed because of their local knowledge to accompany the associate engineer in the commission of boundaries, the army captain, Don Estevan Minor[86] and the military captain, Don Thomas Power.[87] Both of them were employed in the Hispano-American demarcation of this province: the first as chief commissioner and the second as secretary surveyor. The latter was also entrusted with the preparation of baggage in order to expedite the workmen and other aids of that nature. He had no other reward than his pay, having been contented with the promise that Brigadier Don Manuel Gayoso made him that he would report his services to the king. This did not take place because of his death [i.e., of Gayoso de Lemos]. In the same category is Don Thomas Power, who, after many voyages and services on arduous and

[86] Estéban or Stephen Minor, a native of Pennsylvania, was long in the Spanish service as official surveyor and Indian agent. There are letters and reports by him and much about him in the transcripts of the Department of Archives and History of Mississippi. He entered the American service after the transfer. See: *American Historical Review*, vol. xv, no. 1, October, 1909, 82, note 66.

[87] Thomas Power was an Englishman who engaged in Spanish service. The intrigues of Carondelet, in the attempt to seduce the western settlements of the United States were mainly conducted by him. See: Gayarré. *History*, vol. iii, 345, 346, 358-364.

rough commissions for the royal service with the Americans, in the time of Baron de Carondelet, has obtained no other recompense than employment in the boundary commission, with the pay of four pesos per day. Consequently, it would appear that an equal assignment should be made to both of them, the first one moreover keeping his pay as captain which he now enjoys, leaving for later the recompense of the second for the services which hitherto he has continued.

The surgeon of the second battalion of the infantry of Mexico, Don Joachin Alamedo, and the chaplain of the same, Don Sebastian Gilly, appointed for the present commission, I have considered it my duty to recompense with double the pay that they receive [in those capacities]. That arrangement may also be made with Lieutenant Don Benigno Garcia Calderon, and the second pilot of the department, Don Antonio Molina.

In what concerns the daily maintenance of commissioners, employees, troops, overseers, workmen, and others, I shall regulate myself according to the example that we have from the last demarcation of boundaries in this same province, since no other way is suitable.

The commissions of the royal service which I have filled in the formation of the regiment of Cuba, as major general of the army in the Island of Santo Domingo, as governor of the place of Bayaha, and the three voyages that I have made to this province during the time when it was taken possession of by Spain, entrusted with the military government because of the death of Brigadier Don Manuel Gayoso de Lemos, and lastly, for the discharge of the duty of the commission of boundaries, to say nothing of other services of my profession: all, I flatter myself, bespeak my disinterestedness and special desire to make myself a creditor to his Majesty's thanks,

exposing my life and fortune in the fulfilment of my duty the great loss suffered by the property which I possessed in Havana being well-known. Consequently, confident of the royal munificence, I can do no less than to leave to his sovereign comprehension the graduation of the merits which I shall have contracted and shall contract, without omitting to mention to your Excellency that I count forty years of services, the last ten being as brigadier. Also at my side as adjutant of orders and as deserving men are Don Ramon Viguri, fourth official of the accountancy of the army of Havana and my son Don Ignacio Calvo de la Puerta, cadet of the infantry regiment of the same regiment of which I have the honor to be colonel. I recommend them to the charity of his Majesty, as occasion offers. I also recommend the serjeant of the same regiment, Antonio Fornamira, employed as private amanuensis in the secretary's office from the time that I arrived at this place, and who is secretary of the regiment of Louisiana, Don Luis Fernando de Velasco.

Since the beginning of the commission, the honorary commissioner of war, who was formerly his Majesty's secretary in this government, Don Andres Lopez Armesto, has been serving as secretary of the commission. Since 1779, he had been contracting great merit in the despatch, not only of the general duties of his office, but also of secret matters, with which he has been entrusted during that period, acceptably to those matters and to the public. On this account, and because of usefulness of his service, I shall at present consider him worthy of seventy pesos per month, over and above the pay that he enjoys, leaving to the sovereign clemency of his Majesty the recompense due his merit.

I shall be glad if these arrangements are agreeable to your Excellency and in accordance with right and

justice, and if you will consider it fitting to obtain his sovereign approval; and as well because obliged by circumstances, I shall find it necessary to place the above in practice.

May God, etc., [THE MARQUÉS DE CASA CALVO.]
March 30, 1804.

[Addressed: "His Excellency Don Pedro Caballos."]

V. CEBALLOS TO CASA CALVO

I have received a secret communication from your Lordship, number 1, dated January 13, last, in which you give advice on your part of the exaggerated ideas which the Americans have formed in regard to the boundaries of Louisiana, which they claim extend on one side to the Rio Bravo, by which the province of Texas would be almost wholly included in Louisiana; and on the other side to the Perdido River which would take in Mobile [*Movila*]. To this your Lordship declares the decided opposition which you have made, and insist that opportune measures should be taken in order to prevent the west bank of the Mississippi [*Misisipi*] from being included in any other dominion than that of Spain. After reading its contents and referring to the information which I sent your Lordship in a former mail relative to the demarcation of Louisiana, which were handed me [*las evales se habran pasado á mi poder*] by the board of fortifications and by an order of the general-in-chief, I have believed it fitting to add here some reflections for your Lordship's direction, which may give you light in order to combat the sophistries of the Americans, especially in what relates to the extension that they are trying to give to Louisiana by comprehending in it a great part of West Florida.[88]

[88] See note 78.

That part of Florida which they are trying to include in Louisiana was not received by Spain from France, when the latter ceded Louisiana to us. Our possession of said part is founded on right of *conquest*, and as the treaty by which Louisiana has passed to France is founded on the fundamental of retrocession, France could not, and much less can the United States, claim that a territory devolved on them, which France had not ceded to us, and which we owe to the expenses which our government made in acquiring it, and to the valor of our troops. In the treaty of retrocession there is an expression to this effect, which destroys the claims of the Americans to this part, namely that

> Spain cedes to France the province of Louisiana with the same extension that it now has in the hands of Spain, that it had when France possessed it, and as *it ought to be by virtue of other subsequent treaties of Spain with other powers.*

This underlined [i.e., italicized] expression destroys the latitude which the Americans are trying to give to that which precedes. For one of the subsequent treaties of Spain with other powers was the treaty of peace of eighty-three with England, by which the king, our lord, acquired the recognition and renunciation of West Florida, not as a restitution, but as a recognition of the rights of conquest and possession which Spain had in said province when the treaty was made. Now, leaving out of the question the fact that if Spain had considered said territory as belonging to Louisiana, it would have been included in the generic name of that province, in place of which, even though it were, our government, very far from thinking of the sale or the retrocession of that province, has always distinguished that territory by the name of West Florida. This is a clear proof that it was considered as a part distinct from Louisiana. Under this idea, when Spain ceded Louisiana to France,

it never could have had the intention of giving France a territory which was regarded as so entirely distinct from that province. This truth is accredited and confirmed more and more by the opinion established in the matter generally by all modern geographers, both English and American. Moreover, it is unquestionable that the Congress of the United States held the same ideas when it received the secret report of a special committee of the House of Representatives on this matter last year.

These reflections, which are substantially the same which were communicated to his Majesty's ambassador in Paris, when France, thinking to conserve Louisiana, aroused disputes in regard to its extension, may be useful for your Lordship's direction, together with the information that I have sent you formerly and which your knowledge and intelligence will follow in the same way in order to combat the sophistries of the Americans.

May God preserve your Lordship many years.

Aranjuez, April 2, 1804. PEDRO CEVALLOS [rubric].

[Addressed: "Marqués de Casa-Calvo."]

VI. CASA CALVO TO GODOY

SECRET DESPATCH, NUMBER 4

YOUR EXCELLENCY:

SIR: For your Excellency's information I hand you copies of the two last expedientes which I am sending on this date to the Ministry of State.

In the first I show with an enclosed copy which was sent me confidentially by the colonial prefect, the endeavor of the American Congress in comprehending within the limits of Louisiana the best part of West Florida which unquestionably belongs to us according to the express stipulation of article 7 of the treaty of

peace concluded at Paris in 1763. I copy also the protest regarding boundaries that I drew up at this time, so that the said prefect might send it to his government, in regard to which your Excellency will see his reply. Finally, [in the first expediente, I am sending] my petition for orders in regard to the conduct I ought to observe touching the fact that the president has been authorized by an act to form a district from the Pascagula River on the west of Mobile to the Perdido River east of that place and four leagues from Pensacola.

In the second copy I communicate the oath exacted by Congress from the owners of the Spanish or French vessels which were found here on the thirtieth of April of last year, so that they might enjoy the immunities and privileges of the Americans in their navigation. May God preserve your Excellency many years. Your Excellency, THE MARQUES DE CASA CALVO.

[rubric]

New Orleans, April 4, 1804.

[Addressed: "His Excellency, the Prince of the Peace."]

[Attached to this letter are the following:]

1. CASA CALVO TO CEBALLOS

YOUR EXCELLENCY: The colonial prefect and commissioner of the French Republic handed me as I was concluding the despatch of this post, very secretly and confidentially, the original of the letter whose translation, number 1, shows openly how determined are the United States to their claims to the boundaries east of the Mississippi, which, inclusive of Mobile, extend to the Perdido River four leagues this way from Pensacola.

With equal precaution I returned said letter, at the

same time sending to the prefect the protest (which you will see in number 2) in regard to the western boundaries, in consideration of his opinion that the above mentioned eastern boundaries were unquestionably in accord with the stipulation of article 7 of the definitive treaty of peace, concluded at Paris, February 10, 1763; and hence the settlements from the Manchac or Iberville River to the boundary recently laid down between his Majesty's territories and those of the United States were declared to belong to Spain and to be a part of West Florida, as well as the lands east of the division line which were established by the treaty of 1763.

I am sending this to your Excellency so that by comparing it with the reply, number 3, it may be of service in communicating his Majesty's orders to me on so urgent a matter, and one in which delay may occasion disagreeable as well as irremediable harm. For Congress, on the twenty-fourth of February, passed an act with a provision allowing it to be put in force on the same date of the past month, by the eleventh article of which the president of the United States is authorized to erect, whenever he deems it fitting, into a district separate from the two into which that province has been lately divided, the coasts, waters, and mouths of the Mobile River and the other rivers, creeks, entrances, and bays opening into the Gulf of Mexico east of the Mobile River, and west of that river to the Pascagula River inclusive, that is to say, the largest and best portion of West Florida, which unquestionably belongs to us by the above-mentioned treaty of 1763.[89] May God preserve your Ex-

[89] This act was passed in March, 1804. On May 13, 1805, Claiborne sent to Madison a copy of an act "for dividing the territory of Orleans into counties and establishing courts of inferior jurisdiction there." In his address of March 25, 1806, to the two houses of the representative assembly of Orleans, he recommended that the company formed under the "act for improving the inland

cellency many years. THE MARQUÉS DE CASA CALVO. New Orleans, April 4, 1804.

[Addressed: "His Excellency Don Pedro Cevallos."]

[Endorsed: "Copy. Marqués de Casa Calvo" (rubric).]

2. CASA CALVO TO CEBALLOS

YOUR EXCELLENCY: On this very day has just come an act of Congress relative to the register, enrollment, and authorization of vessels or boats in the customs of the district of New Orleans. That document is causing some excitement because of the rule laid down by it in regard to the ownership of the Spanish or French vessels here on the twentieth of December last and in regard to their possession on the thirtieth of last April. In fact, the particular expression subjoined to the general expression immediately preceding in the oath of renunciation and abjuration of fidelity to the king of Spain and the French Republic does not come far from being irritating; although they are trying to cover it by the specious pretext that Louisiana is peopled only by Spaniards and French as appears immediately on reading the oath, whose tenor is as follows:

> I —— swear (or affirm) that I will be faithful and will observe true loyalty to the United States of America; and I certify that I do renounce and abjure all fidelity and loyalty to any foreign prince, potentate, state, or sovereign, whatsoever, and especially to the king of Spain and the French Republic.

There will be observed an affectation and a heavy redundancy in the above formula which might have been excused; but as I have had no orders since the sale by

navigation of the territory of Orleans" to turn its attention to making navigable the waters leading from the "counties of Attackapas and Oppalousas to the river Mississippi," which could be done at a small expense. In the same address he recommended the construction of a road along the Mississippi to Fort Plaquemine. Such a road would enable vessels to be towed upstream.

the French Republic to the United States of America, I advise your Excellency of it, so that after calculating the interest merited by this advice, you may be pleased to make use of it as appears proper. May God preserve your Excellency many years. Your Excellency,

THE MARQUÉS DE CASA CALVO.

New Orleans, April 4, 1804.

[Addressed: "His Excellency, Señor Don Pedro Cevallos."]

[Endorsed: "A copy. Marqués de Casa Calvo" (rubric).]

3. CLAIBORNE AND WILKINSON TO LAUSSAT

New Orleans, March 26, 1804.

SIR: The undersigned commissioners of the United States who have been entrusted to take possession of the Province of Louisiana, have observed in your Lordship's letters of January 21 and 25 [30 Nivose and 4 Pluviose], last, that your Lordship speaks as though you supposed that Spain is to retain possession of West Florida.

It is not the intention of the undersigned to investigate Spain's right to that territory and to lay down their opinion of the boundaries of the territory ceded; but rather it is their intention to protest solemnly that nothing that they might do on their part is to be understood as an abandonment of the claims of the United States to the colony or province of Louisiana with the same extension that it actually had when owned by Spain (October 1, 1800, the date of the treaty of San Ildefonso) and that it had when owned by France, and such as it ought to be since the subsequent treaties celebrated between Spain and other states.

We beg your Lordship to accept the assurances of our entire respect and consideration.

WILLIAM C. C. CLAIBOURNE.
JAMES WILKINSON.

[Addressed: "The Commissioner of the French Republic."]

4. CASA CALVO TO LAUSSAT

SIR COLONIAL PREFECT, Commissioner of the French Republic: I would be essentially lacking in the duties of the trust reposed by the king, my master, in the commission he was pleased to place in my care, if at the very time when your Lordship is making arrangements for your voyage and concluding the negotiations with which you were entrusted for the same purpose by the First Consul of the French people, I did not declare, in the name of the king, that Spain can not look with indifference on the exorbitant propositions which are beginning to be revealed on the part of the United States in regard to the east and west boundaries of Louisiana.

The first are established by solemn treaties, and on that account are absolutely unquestionable, as your Lordship likewise declares; but since it appears that France itself gave some occasion to the second being established at the mouth of the River Bravo, I can do no less, so long as it should not be his Majesty's pleasure to determine on anything else, than to protest most solemnly against any action or attempt to extend the boundaries farther than the Sabine [*Sabinas*] River, as prejudicial to the interests of Spain and tending to dismember a considerable portion of the interior provinces of Mexico, to the serious damage of the dominions of his Majesty and of his subjects. In order that this may be evident in all time, I petition your Lordship to communicate this to your government, so that the position of the true boundaries

which are represented as indeterminate having been rectified, the work of the demarcation on the foundations already recognized by France itself when it owned the Province of Louisiana may be begun. May God, etc.

[MARQUÉS DE CASA CALVO.]

New Orleans, March 31, 1804.

5. LAUSSAT TO CASA CALVO

New Orleans, an xii, 12 Germinal [April 2, 1804]. The Colonial Prefect, Commissioner of the French Republic, to the Marquis of Casa Calvo, Brigadier of the Armies of Spain, and Commissioner of his Catholic Majesty:

SIR MARQUÉS: I shall be careful to faithfully send to my government the declaration in the form of a protest which your Lordship placed in my hands by your letter of 10 Germinal current [March 31, last], in regard to the boundaries that ought to be fixed for Louisiana by virtue of the treaties of retrocession and cession, in the execution of which I represented here the French people by commission of the First Consul.

I have the honor to salute your Excellency with all consideration. LAUSSAT.

VII. CASA CALVO TO GODOY

1. SECRET DESPATCH, NUMBER 5

YOUR EXCELLENCY:

SIR: Your Excellency will find subjoined copies of my secret despatches, numbers twelve and thirteen, which I am directing this day to the ministry of state.

In the first I report with authentic advices the decided claims made by the president and the Senate of the Congress of the United States to the possession of Baton

Rouge and the district of Mobile as far as the Perdido River, even if they have to foment an insurrection and have recourse to arms.

In the second I am enclosing a copy similar to that enclosed with the act of Congress dividing Louisiana into two territories, that of New Orleans and that of Louisiana, the temporal government of which is established by that law. I present reflections in regard to the articles of said law, which merit attention; and I show the discontent which those articles are causing among those inhabitants, as well as the profit and benefit which might be derived by taking advantage of the circumstances.

I shall be glad if my observations merit your Excellency's attention and if they may be of some use in this critical situation.

May God preserve your Excellency many years.

[MARQUÉS DE CASA CALVO.]

New Orleans, May 18, 1804.

[Addressed: "His Excellency, The Prince of the Peace."]

[To this letter are attached the following:]

CASA CALVO TO CEVALLOS

Very secret Despatches, Numbers 11 and 12

[Note by clerk: "Brigadier Marqués de Casa Calvo, commissioned by his Majesty to establish the boundaries of Louisiana, encloses with his key the cypher under which he will immediately write the matter known under number 13, of which secret despatch, number 1 of March 30, treats. It is accompanied by its translation into Spanish for his easier and readier comprehension."]

Number 11

YOUR EXCELLENCY: It may very easily be that the matter under secret despatch number 13, of which number 1, of March 30, last, treats, may be directed immediately to your Excellency as has been advised me when it was sent. If so, I am enclosing to your Excellency the cypher with the explanation of its key, in order that you may ascertain its contents and be able to take what measures are proper under the circumstances. Permit me to observe, your Excellency, that it is of the greatest urgency to embrace one course immediately, for any other mode of action would expose the interior provinces to the raids of our restless neighbors.

May God, etc. [MARQUÉS DE CASA CALVO.]
May 18, 1804.

Number 12

YOUR EXCELLENCY: By letters from a senator of the United States addressed to one of the inhabitants of this city under dates of February 26 and April 6, last, who has had the confidence to show me the originals, it is certain that they [i.e., the United States] are resolved to take possession of the portion of West Florida that was formerly in the possession of France, as territory belonging to Louisiana; and the same is true of Baton Rouge which is located between the division line of said states and the island of New Orleans. They will maintain that determination with arms in their hands. The letters add that they await no other moment to realize the project than the declaration of the inhabitants of that district, for which they had offered them protection, and as much aid as might be needed to effect it.

I must not neglect to tell your Excellency on this occasion that since the Americans have above Mobile their

possessions Tinzas and Tombecbe, they may accomplish their purpose in a few hours and at the same time invade that place [i.e., Mobile] and Baton Rouge before the governor of West Florida is in shape to make any movement. This circumstance demands immediately the most serious consideration on your part.

It appears also from a letter of the president himself addressed to an inhabitant of the province that he is determined not to abate one jot of his claims to the eastern boundaries which extend to the Perdido River, even if it be necessary to contest the same by force in order to maintain it.

This determination and perfidious attempt is corroborated by the audacity of the administrator of the customs himself, the superintendent of the treasury,[90] in already declaring to traders sent by me secretly for the purpose of introducing free of duty from here the fruits and liquors imported from Havana, and destined for Baton Rouge and Mobile as Spanish ports, that those ports were now to be considered as belonging to American territory, and as included in the sale made by France to the United States. And even afterward, when the traders asked leave to be allowed to take those articles to Pensacola, he refused them, alleging as pretext that their proximity would give them an opportunity to make fraudulent exportations, solely for the purpose of getting a return of the duties which according to custom is done when the goods imported are not consumed in the country and are sent to foreigners.

May God preserve your Excellency many years.

[MARQUÉS DE CASA CALVO.]

New Orleans, May 18, 1804.

[Addressed: "His Excellency, Don Pedro Ceballos."]

[90] Gallatin.

2. SECRET DESPATCH, NUMBER 13

YOUR EXCELLENCY: By number 11 [i.e., 12] *ante*, your Excellency will have learned of the bad faith with which the Congress of the United States claims to include within the boundaries of Louisiana, the portion lying between the lakes and the Perdido River, four leages this way from Pensacola, which belongs to us by right of conquest; and that it is favoring and supporting movements that it stirs up. By secret despatch number 8, your Excellency will have learned that the president of said States is authorized to form a third territory from Louisiana in those regions, which is to extend from the Pascagula River to the above mentioned Perdido River.

Herewith I enclose the act passed March 26, of this year by which the Province of Louisiana has been erected into two territories whose temporal government it establishes. This act is very far from being acceptable to the inhabitants of Louisiana, for they protest against it with a display of great energy in their complaints, as I have been informed.

They are unable to bear patiently the necessity of employing American lawyers who are concluding the causes instituted under the Spanish laws, and passing sentence according to the laws of Congress; and that all the acts are in the English language because the governor understands no other.[91]

Article 4 of that act establishing a legislative body, whose thirteen members are to be appointed by the president, is not very satisfactory to them, because it

[91] There was much complaint of the American lawyers who swarmed into Louisiana after the cession. Claiborne in his letters [Claiborne's *Correspondence*, Bureau of Rolls and Library, Department of State] refers to this many times. The change in court procedure, indeed, was for many years a great cause for dissatisfaction.

declares eligible even those who have no more than one year's residence [in that territory]. By that arrangement they think it sure that the election will go for the most part to Americans.

The absolute prohibition of introducing slaves, to be rigorously enforced beginning with October, has alarmed them to such a degree that they voice their disapproval and discontent loudly without the least secrecy. Truly it is impossible for Lower Louisiana to get along without slaves; and it will be very damaging to their interests if they can not obtain the hands necessary for their work, which will infallibly decline. It is not easy to adduce a reason for this conduct, unless it be purposely to weaken the colony, which was making great strides toward prosperity and wealth. The inhabitants are so angered that it is with difficulty that they will be able to be amalgamated with the rude citizens of the United States.[92]

Some conjecture that the system followed is for the purpose of preventing the cultivation of sugar, since if that cultivation becomes more extensive, as it seems it is able to do, their customs will not obtain the receipts that they do at present in the duties on imported foreign sugars. So long as the sugar manufactured here pays no duty, it is clear that if Louisiana becomes able to supply the demand for the United States, the decrease in the receipts in their customs in the duties on rum, sugar cane, brandy, and molasses and sugar, which they receive from the foreigner and which are fixed at more than 33 per cent, would be enormous.

In my opinion, the jealousy with which the Southern States view the prosperity and rapid progress of the Western States is no small part of the intentions of the

[92] Also touched on frequently in Claiborne's *Correspondence* (*ut supra*). See also the Memorial presented to Congress by the people of Louisiana.

act. Since the latter have no other outlet than the Mississippi, they can do no less than become the rivals of the former, and before long will become masters of the best and most useful commerce of grain, and flour, to say nothing of their iron mines which are being developed; and with any little oppression they suffer, by combined instigation they will separate from the Union. The latter may be dissolved or altered notably if the matter is handled by a person of cleverness, firmness, and popularity. For with the beginnings of disorganization sown and adopted (as is the case), only warm encouragement is needed to make them develop and sprout.

By its article 14, said act annuls all concessions of land made in the territories ceded by France to the United States after the treaty of April, 1803.[93] That measure puts the inhabitants in the most disagreeable position, for they see in it a pretext for attacks upon their property, and their dispossession thereof.

The measures of article XV, in regard to the Indians whom they are trying to drive from the eastern to the western side of the Mississippi, that is, to the frontiers

[93] After every accession of territory, the United States government has had to meet the potent problem of land and titles thereto. The question is treated in Stoddard's *Louisiana*, 243-267. There is also an account of conditions in *Account of Louisiana*, 29-31, in part as follows:

"The lands are held in some instances by grants from the crown, but mostly from the Colonial government. Perhaps not one quarter part of the lands granted in Louisiana are held by complete title; and of the remainder a considerable part depends upon a written permission of a commandant. Not a small proportion is held by occupancy with a single verbal permission of the officer last mentioned. This practice has always been countenanced by the Spanish government, in order that poor men, when they found themselves a little at ease, might at their own conveniency apply for and obtain complete titles. In the mean time such imperfect rights were suffered by the government to descend by inheritance, and even to be transferred by private contract. When requisite, they have been seized by judicial authority, and sold for payment of debts."

Surveys of any extent were formerly allowed, but about three years previous had been restricted to two hundred acres to each man and wife, fifty acres to each child, and twenty acres to each slave. The only cost was that of the survey. Titles were in great confusion.

of Nueva España, will have notable consequences against us, if we do not convert the evil into a blessing. I shall explain. The intentions of the Americans can be none other than to rid themselves of the Talapuches, Choctaws, Chickasaws, and Cherokees, who are in possession of their rich and fertile lands.[94] The measure allows the same to be done with the lands that the Indians may occupy on the western side as soon as they shall have settled there securely. But the Indians all have a decided preference in favor of our nation, from which we can derive advantages if we nurse with tenderness their hatred for the *Guachimangal* (American), which all of them show whenever they present themselves [to us], and as they have shown publicly to the commandants of Illinois, Natchitoches, and Ouachita, in offering their services to their Spanish Father.

His Majesty's orders will always find in me the necessary obedience and zeal for promoting his service whenever necessary; but it is advisable to gain time since our neighbors are not losing it. May God preserve etc. [MARQUÉS DE CASA CALVO.]

May 18, 1804.

[Addressed: "His Excellency, Don Pedro Cevallos."]

[94] Yet the program of the Americans did not contemplate unnecessary hostility. Claiborne's letter of May 14, 1804, to Lieutenant Bowman, American commandant of Ouachitas, orders in regard to the treatment of the Indians:

"It is expected that everything will be done by you to maintain the friendship of the Indians settled in the vicinity of your post and those who may trade there. With this object in view you will take care that no violence be offered to unoffending Indians, and that in their trade with the merchants, no injustice be done them. In your conversations with these Indians, you will speak of the friendly disposition of the President of the United States to his *red children*, and his great desire to see them happy. You will add that the Americans are now their brothers and they must live in peace and friendship, as one family."

VIII. LETTERS BY TALLEYRAND

1. TO GENERAL TURREAU [95]

Paris, an xii, 20 Thermidor [August 8, 1804].

I have informed you, General, by the instructions which I had the honor to send you, of the discussions that might be excited between the United States and Spain in regard to the boundaries of Louisiana.

If the Mississippi and Iberville Rivers mark precisely the eastern limits of that colony, toward the west its boundaries are less precise. No river or chain of mountains separate it from the Spanish possessions, and between the last settlements of Louisiana and the first settlements of the colonies of Spain, there are often such wide expanses, that it may be difficult to agree on a line of demarcation.

Also Spain seems already to fear lest the United States which are showing their intention to push the boundaries of Louisiana toward the west, are purposing to advance in that direction even to the sea, and of settling along the coasts of America located north of California.

You know, General, the pretensions of Spain to the exclusive possession of the northwest coasts of America, located near that latitude. The district farthest north had to be abandoned by that power, to the English and to the Russians, but from the last English settlements all the coast toward the south is occupied by Spain, and it would be very difficult for Spain to offer facilities for the admittance of any other power.

I invite you, General, to dissuade the United States from the idea of attempting to extend the boundaries of

[95] General Louis Marie Turreau was appointed minister to the United States by Napoleon to succeed Pichon. He was recalled to France in 1810. See: Adams. *History*, vol. ii-v.

Louisiana toward the west and northwest, in such a way as to cause annoyance to the court of Madrid. You shall not need to take the initiative on that question. There would be some imprudence in anticipating any insinuations which shall have been made to you. But, foreseeing that they may be made, I have been in duty bound to inform you under what point of view those projects of aggrandizement were regarded by France.

Some events, foreign to the occupation of Louisiana, but linked with the ambitious views that Spain ascribes to the United States, have increased Spain's anxiety in regard to the intentions of that last power. Spain has learned by letters from Lima that the United States have sent four hundred colonists into the island of Massafuera, which forms a part of the group of the islands of Juan-Fernandez, and into the island of Santa Maria, both of which are quite near the coasts of Chili.

In these new settlements, Spain sees a plan to extend the commerce and navigation of the United States throughout all the districts of Spanish America that are bathed by the South Sea. It fears lest the Americans, in order to communicate with their settlements of the Fernandez Islands without the necessity of doubling Cape Horn, will insist on the idea of having ports on the northwest coast of America. Spain has also been informed that the English, settled at Port Jackson and at the other points of New Holland, were purposing to try to found new settlements in the archipelago of the Society Islands and in the other islands of the Pacific Ocean, whence they would be in a position in time of war to intercept the commerce of Peru, and the communication of all Spanish America with the Philippines.

Spain, in considering those projects of the United States and those of England, apparently fears lest the

two powers will secretly concert their operations, and will unite their intentions against it in case of a rupture with one or the other government.

Whatever exaggeration there be in the anxiety of the court of Madrid, it was my duty, General, to inform you of it, so that you may judge by the mutual inclinations of the two governments how necessary it is for you to employ all your care, and to use your good offices for the maintenance of a system of reliable information which sentiments of distrust on one side and exaggerated pretensions on the other would tend necessarily to weaken.

In discussions of this kind you shall rather have to use methods of persuasion and an amicable influence than to act officially. Every measure of this last nature must be more particularly reserved for the objects which interest France directly. I have, etc. [TALLEYRAND.]

2. TO SENOR GAVINA, SPANISH AMBASSADOR AT PARIS

[Paris], an xii, 12 Fructidor [August 30, 1804].

SENOR AMBASSADOR: I received the letters and memoir which you did me the honor to send me in regard to the discussions of Spain and the United States relative to the boundaries of Louisiana, and in regard to the anxiety given to your court by the plans of aggrandizement that it imputes to the federal government.

Since it is the intention of his Imperial Majesty to assure by all friendly means the good relations of two powers which have so much interest in remaining united, I hastened to call the attention of the minister plenipotentiary of his Imperial Majesty in the United States to the various questions which you presented, and I recommended him to take all the measures suitable to dis-

suade the federal government from any plan of aggression against the domains of his Catholic Majesty, which were not part of the cession of Louisiana.

The treaties of cession of that colony are in the hands of the minister plenipotentiary of his Majesty, and the explanations which I have attached to them will not leave that minister any doubt as to the territorial limits to which that cession must be confined.

The eastern boundaries of Louisiana [being] by the course of the Mississippi and then by the Iberville River, Lake Pontchartrain, and Lake Maurepas – at that line of demarcation ends the territory ceded to France by Spain by virtue of the treaty of an ix, 30 Ventose [i.e., March 20, 1800] – France would have asked nothing from Spain beyond that boundary. Since France only substituted the United States to the rights which it had acquired, the latter country can not demand from Spain the concession of more extensive territory, unless such concession be negotiated and stipulated between the United States and Spain by some ulterior convention.

Since the western boundary of Louisiana was not fixed in so precise a manner by the treaties preceding that of an ix, 30 Ventose, nor by that treaty itself, the uncertainty that could exist on the direction of its frontiers must have still remained since the cession to the United States. France even could not take it upon itself to indicate to the United States what that precise boundary must be, for fear of wounding in this regard the rights or pretensions of one or the other of the powers directly interested in that question. It would have become the object of a negotiation between his Imperial Majesty and his Catholic Majesty. Now it can only be treated between Spain and the United States.

Yet, since the Americans hold their rights from

France, I have been able to express to the minister plenipotentiary of his Imperial Majesty in the United States the chief fundamentals on which France would have rested in the question of a demarcation of boundaries.

As one leaves the Gulf of Mexico, he would have tried to distinguish the settlements belonging to the kingdom of Mexico, and those which had been founded by the French who discovered Louisiana or by those who succeeded then in that colony. That distinction of settlements founded by the French or the Spaniards would also have been made toward the north. All those founded by the French would have belonged to Louisiana. And since European settlements in the interior are rare and scattered, in order to unite them one could have supposed straight lines drawn from one to the other. At the west of that imaginary line, would have been established the boundaries of the French and Spanish possessions at the distance and in the direction to which France and Spain would have agreed. The great expanses existing at times between the farthest French settlements and the farthest Spanish missions could have been left still somewhat uncertain as to the direction of the line and boundaries to be drawn between them. But with the views of friendship and conciliation that animate their Majesties, those difficulties would soon have been smoothed out. The two governments besides would have recalled that the regions which separated one part of their respective settlements are occupied by Indian tribes and they would have found a less direct interest in disputing between themselves over certain portions of that territory than if they had been directly and immediately in their possession.

Such are, Señor Ambassador, the conciliatory inten-

tions which would have directed his Imperial Majesty in the questions of that demarcation of boundaries. I have informed his minister plenipotentiary in America of them, so that he might on all occasions present this question under the same point of view. It is to be hoped that the United States, whom it directly concerns today, will be animated by the same spirit of conciliation, and that this discussion will end amicably.

In any case, the court of Madrid would not appear to be well founded in the fear which it expresses lest the United States would make use of its possession of Louisiana to found settlements on the northwest coast of America. Whatever be the boundary line which will be determined between Spain and the United States, that line will necessarily be far enough from the west coasts of America, so that the court of Madrid should not have any distrust on that head.

The same observations will serve as a reply to the anxieties which you have expressed as to the project which the United States might have of uniting their future settlements in the northwestern part of America to those which they might have founded on one of the islands of the Juan-Fernandes Archipelago and in that of Santa Maria.

I hope that the details into which I have entered will be useful in the reconciliation and perfect harmony of your government and that of the United States, on the subjects under discussion, which if regarded in their true light, and with amicable intentions can not fail to become simplified and to reduce themselves to certain points on which his Imperial Majesty will see with keen satisfaction that the two governments can come to an understanding. Accept, etc. [TALLEYRAND.]

IX. CEBALLOS ON THE BOUNDARIES OF LOUISIANA[96]

Aranjuez April 13th, 1805.

GENTLEMEN: Complying with my promise, I proceed to examine, in this letter, the opinions of my Government, on the Western Limits of Louisiana; following the plan established from the beginning, proposed by your Excellencies & adopted by me, to examine each of the points depending between us, and determining as far as possible our respective rights on each – But before I proceed in the question, I should be wanting in the respect I owe my own Government, to those considerations to which my public character will not permit me to be inattentive, and also to that of which I believe I have not been undeserving in my private one, if I did not state to Your Excellencies my surprise at reading your esteemed Letters of the 30th March, and 9th of the present Month.[97] It is only fifteen days since I had the honor to write to Your Excellencies my last note relative to the Eastern limits of Louisiana, to which Your Excellencies did not find it convenient to answer, except in the general terms that we did not agree and that we would pass to the other point of the Western limits of Louisiana; and on the 30th March, notwithstanding my promise and my word given that I would treat the last depending point as I had done the rest, Your Excellencies supposed you ought to state to me,

[96] Written evidently to C. C. Pinckney and Monroe, who were then in Spain. This letter is presented exactly as it was translated for the Department of State. The translation is rough and uneven in many places, but in the main conveys the idea accurately. Hence no changes have been made in it.

[97] See American State Papers for the correspondence during this period between Ceballos and the American agents.

that my silence for those days had induced a belief in you, that I intended it as an intimation of my wish to end the negotiation. On a view of a discussion, pursued with so much punctuality and activity on all the controverted points, it appears to me as more natural, not to say more just, that Your Excellencies should have believed that the nature itself of the point, I was about to treat, on the indispensable occupations of my Ministry, might have occasioned the delay, than to suspect that I wished to put an end to the negotiation, thereby breaking my word which I had pledged – my delicacy not permitting me to suffer such a suspicion to remain in the breasts of Your Excellencies, I stated in my letter of the 31st Ult° the sensibility which this had caused me, the motives which had prevented my writing more quickly upon the point of the Western Limits of Louisiana, and lastly, I reiterated my promise to do so with all the Dispatch possible. Notwithstanding this, Your Excellencies have thought proper in your note of the 9th to insist upon what you call my omission, and say that the Ministry of His Majesty intend to cease the discussion entirely, with other assertions to the same effect, which can not do less than make me feel very much both as they respect my public and private character.

In answer to these I shall confine myself to only stating to Your Excellencies that the nature of the point itself which I am about to treat, has been the cause of the small delay which I have had the misfortune to have so unfavorably interpreted by Your Excellencies.

The question upon the Western Limits of Louisiana, is not a point which can be examined or discussed, upon viewing one or two Documents, or other pieces of a kind, which may be possessed at the first view. To treat this point with exactness, it is necessary to examine a

collection of Plans and Documents and historical Relation, which include a space of more than 150. years. These Documents are not to be found in the Department under my care – many of them belong to the Department of the interior, besides those which are in the viceroyalty of Mexico. It has been necessary to search & examine those which are here, and to give them a certain classification. It was my intention to form a memoir which should comprehend all the most important topicks, accompanying them, with the necessary maps & plans and handing them to Your Excellencies, being anxious to make the opinions of my Government appear with all the exactness which the nature of the subject would permit, but the manner in which Your Excellencies express yourselves, in your said letters, is a sufficient excuse to me to alter my plan, and reduce it to a few pages, that I may not still lengthen a delay which has given rise to such disagreeable suspicions.

The Western limits of Louisiana never having been fixed, in the exact manner which can be done in Territories sufficiently peopled and of small extent, it ought necessarily at the time of fixing them, to be the object of a negotiation, in which both parties shou'd be agreed as to the principal basis, and by a commission of Limits which should regulate themselves by those basis's in fixing the demarcation. The principle which ought to serve as a rule for the establishment of the said basis's can not be any other than the knowledge of the possession which each party had acquired in these Territories, and the different establishments made by each in the said places, by the Spaniards in the Province of new Spain, and also those belonging to Louisiana, drawing a line which shall divide the one from the other side, and continuing it by the most natural points of demarcation possible.

It results from this principle that the examination into the above named limits, is in a great degree historical, as it treats of the fixing the origin of many spanish establishments, of the interior provinces of the french establishment of Louisiana.

If it had been proper to enter into a detailed examination at present, I would make a suscinct historical detail of the Spanish Establishments in the interior Provinces of New Spain; but not to molest Your Excellencies with the details that may be inconvenient at present I will confine myself to saying something on the Province of Texas bounding on Louisiana, upon the demarcation of which depend the present questions. The Province of Texas, where the Spaniards have settlements from the 17th Century, bounds by the East with Louisiana, and contains the extensive Country which lies between the River Medina where ends the Government of Cohacula to the Post, now abandoned, of Nuestra Señora del Pilar, of the Adaes, which is distant a few leagues from the fort of Natchitoches, 20. leagues from the Mission of Ais, 40. from that of Nacogdoches, 150. from the abandoned post of Ozeoquisaw [Arkansas?], 200 from the bay of Espiritu Santo, and 40. from the post of St. Antonio de Bejar.

It is beyond all doubt that in the year 1689. by a Commission from the Viceroy of Mexico, the Marquis de Moncloa, Captain Alonso de Leon, who was then Governor of the Province of Cohauila, went to examine the bay of Espiritu Santo and the River St. Mazers which empties into it, to whom the Indian Chief of Texas presented himself in the most friendly manner, & in 1690. he took possession of the Territory and founded the Mission of St. Francisco of Texas.[98]

[98] See Clark's monograph on "Beginnings in Texas," published as a *Bulletin* by the Texas State University.

By a Royal Order of His Catholic Majesty, November 12th 1692. they ordered new discoveries to be made in the said Province by land and Sea, which was in consequence then executed, and among other things they undertook the examination of the river Codachos. Twenty two years after, the Duke of Lenares, being then Viceroy of Mexico, introduced from Louisiana as far as the Spanish Post of St. Juan Baptista, a Frenchman, Lewis St. Dennis, and other three Frenchmen from Louisiana, with Passports from the Governor of Louisiana to buy Cattle in the Spanish Missions of Texas: which Frenchmen were carried to Mexico, and then the fourth expedition was resolved upon to Texas, naming as chief of it, the Alferez, Dⁿ Domingo Ramon. The expedition was received with inexpressible friendship by the Indians; and the Captain Ramon named Chief of the said Indian Nations, and also Son to the Governor of Texas, and he left there founded, the four establishments & Missions of St. Francisco, la purissima Concepcion, St. Josef, and Nuestra Señora de Guadalupe, situated seven leagues from Natchitoches. By the Royal order in 1719. they made various alterations in the command of the Spaniards employed in the Province of Texas, and a little after died the said Captain Ramon, in the Post of St. Juan de Baptista on the River Granada. War having broke out between Spain and France during the regency of the Duke of Orleans, the French attacked the Spanish Mission of Adaes, and its inhabitants were transferred for the moment to the Post of St. Antonio de Bejar. But the Viceroy of New Spain, the Marquis de Valero, accepted the generous & honorable proposal which the Marquis St. Michael de Aguago made, offering his purse and person to dislodge the French of what they had unjustly seized and occupied, and to make War upon them. On being named Gov-

ernor General of the New Philipines or Province of Texas, & of New Estremadura, the Marquis of Aguago raised 500. Dragoons and two Companies of Cavalry, and undertook his march for the Province of Texas in 1719. and without opposition arrived at the Adaes, the French having returned to the Post Natchitoches. The King of Spain being informed of this expedition, and the recovery of the Province of Texas, determined to fortify it, and that all hostilities should be suspended against the French.

The Marquis de Aguago reëstablished the other Missions and founded the establishments, among them the Posts of Nuestra Señora del Pilar de los Adaes, that of Loreto, on the Bay of Espiritu Santo, that of Dolores, which is now known by the name of Orquisau [Arkansas?], and improved the situation of St. Antonio de Bejar, by placing the establishment between the Rivers of St. Antonio & St. Pedro.

The Province of Texas being thus at peace and reestablished & increased, the Marquis of Aguago solicited the reunion there of 200. Tlascalan families, and as many from Galicia in Spain or the Canaries, and with some of these families, the King having agreed that 400. families should go from the Canaries, they peopled the village of St. Fernando close to the post of Bejar.

At the end of the year 1730. the Spaniards undertook several expeditions from the Post of Bejar towards the north of the said province, on account of a disagreement with the indians. In 1758. the Indians made an attack from the Northern part on the Post of St. Saba, and killed some Soldiers and priests, on which account a detachment was ordered against the said Indians, under the command of Colonel Dⁿ Diego Ortiz de Parilla.

A little after it was determined to organize a general

& uniform establishment of posts to cover the interior provinces of New Spain, and they ultimately gave a commission to the Marquis du Rubi to go and revisit and examine their state; and the result of this commission, which it appeared lasted some years, was that on the 10th September 1772. the regulation of posts had so extended itself as to establish a cordon of them from the Coast of Señora to the Bay [i.e., Gulf] of Mexico where was situated the Bay of Spiritu Santo, there being in the Province of Texas those of St. Antonio de Bejar, and that of the Bay of Spiritu Santo, having neglected that of Arquisau and that of Nuestra Señora de los Adaes, which were no longer useful, as Spain was then the Mistress of Louisiana.

From this simple and short explanation of those notorious & authentic facts, to prove the truth of which we find the most incontestable documents, supported by uninterrupted possession, results evidently the antient and exclusive right which the Spaniards have to the province of Texas: that the possession of the Province of Texas was acknowledged and respected by the French while they possessed Louisiana, and that the said province is belonging and has always belonged to his Majesty.

That claim must be extremely illusory and unfounded which shall attempt to carry the Western Limits of Louisiana to the Rio Bravo, including therein great part of the interior provinces of New Spain, acquired and established at the cost of the treasures of Spain and the blood of her subjects; as has been proved to demonstration in the case of Texas, and can be strengthened more & more by a continued series of events & proofs relative to the said province of Texas, and others of the interior provinces of New Spain, and also the Acts and

dates now existing respecting this subject. There are also many Dispatches, maps and Documents respecting this Question, to be found in the Viceroyalty of Mexico, which is the principle center of authority for all these Provinces.

On my part I have read with the greatest attention the memoir on the limits of Louisiana, which Your Excellencies inclosed me in your note of the 28th January, anxious to see if any thing could be found to support or give a colour to the Claim of the United States to carry their Limits to the Rio Bravo, but the said Memoir goes principally to treat of the establishment of Louisiana. I only find that Yr Excies support the Claim, 1st in a gratuitous supposition that the coast belonged to France: a supposition that is contradicted by the most positive acts & dates above mentioned, by which it is prov'd that the Province of Texas and its coast are belonging to the Dominions of His Majesty. And in the 2nd place, in the general terms of the patent granted by Lewis the 14th in September 1712, in favor of Anthony Crozat,[99] granting him the exclusive commerce of the Country of Louisiana, whose extent was, as Yr Excies understand it, with all the waters which directly or indirectly discharge themselves into the Mississippi and the Countries which they water. It would be very easy to make it appear that the most exaggerated Claims of France never had the extent which Your Excies wish to give to Louisiana on this side; but even if they should have had such claims, or France should positively have tried to include, under the name of Louisiana, the Territories which His Catholic Majesty possessed; what right or Claim could be founded in a Document which Spain never has recognized, nor does recognize, and which never could preju-

[99] Crozat's patent is published in many places. See a synopsis of the patent in F. J. Martin's *Louisiana*, 114, *et seq.*

dice in any manner her acquired rights! the answer of Spain on this occasion, is as simple as just, that of Lewis the 14th or the Government of France exceeded its power in granting territories or rights over Territories, which were not their own, or that Spain claimed possession of, or property in, that grant ought to be considered as null, as far as it extended over these territories, and that it flowed, without doubt, from the total ignorance which prevailed in those days with respect to the Geography of the territories situated at a little distance to the West of the Mississipi, and of the Establishments of the Spaniards in those parts. More antient, & proved by repeated acts of possession, than the aforesaid patent of Lewis the 14th is the Royal Order of the 12th November *1692*.[100] already cited, by which H. C. Majesty ordered them to make new expeditions to the Texas, and the same are the other authentic acts & establishments of the Spaniards in that quarter.

The limits between Louisiana and the Texas have been always known, even when the French possessed Louisiana. Near the beginning of the last Century, the venerable Marget, of the order of St. Francisco, founded in the Province of Texas, towards the confines of Louisiana, different Missions, among them that of Nacogdoches;[101] and a few years after he wrote, and it was generally known in the writings of those times, that the province of Texas or new Philippines, had its boundaries with the middle of the Gulf of Mexico to Poncenes, the Rio Grande, and to the East Louisiana. Depending on Louisiana, we find upon the River Colorado which discharges into the Mississipi, the Post of Natch-

[100] A penciled note on the translation reads: "The French had taken possession of the country 8 or 9 years before."

[101] Stoddard [*Louisiana*, 193] says that Nacogdoches was located about sixty miles from the Sabine River. It was badly built, and at the time of the transfer had only thirty or forty ordinary houses, and a chapel.

itoches, which the French took from Spain – but at seven leagues from this you find the aforementioned post of Nuestra Señora de los Adaes, belonging to the Province of Texas, and it is undoubted that the Baron de Riperdo, being Governor General of this Province, and successor of Dⁿ Angol de Manos, appears to have made Treaties & Conventions with the Indians of the same province of Texas, stipulating that the Spaniards might make among them such establishments as they pleased, acknowledging from that time as depending on the province of Texas, the Indians Styses, Nawgadoches, Asinaes, Nobedcins, Vidais, Arquizes, Malayes, Ocuanes, Tancaques y Apaches.[102] To the year 1770. there always was in the Fort of the Adaes, from the time of its establishment, a competent number of Spanish Soldiers, and the same in that of Arquisas at St. Saba, and it was not until the year 1773. that the Lieutenant Dⁿ Josef Gonzales evacuate the post of Adaes whose Garrison was no longer necessary, as Spain possessed Louisiana.

It follows therefore that the Boundary between the Provinces of Texas and Louisiana, ought to be by a line which beginning at the Gulph of Mexico between the Rivers Caricut or Cascasin and the Armenta or Marmentoa, should go to the North, passing between the Adaes and Natchitoches, until it cuts the Red River; and as from this point the Limits which ought to be established on the Northern side are doubtful & little known, it appears indispensable to refer them to the prudent investigation of Commissioners to be named by both parties, in order that they viewing the Territory,

[102] Possibly others of these tribes, like that of the Asinaes belong to the Caddo stock. The Arquizes are probably the Orcoquisac. The best book on the names of Indian tribes within the present limits of the United States is Hodge's *Handbook* (the second volume of which is in press), but no complete list of the Spanish names are to be found in it.

and having with them the Documents & dates that will be given them, rectifying what ought to be rectified and furnishing the necessary light to both Governments, upon Limits which have never been fixed or determined with exactness, may thus enable them to fix the demarcation completely conformable to the wishes of both.

With these ideas the Government of Spain, ever since it had definitely fixed the retrocession of Louisiana to France, named a Commissioner of Limits, destined to complete this important object jointly with the Commissioners France might think proper to name on her part. In the same manner it appears to me indispensable to do now, if the demarcation is to be made with the necessary exactness, and that the U. States naming on their part a Commissioner of Limits, that should proceed by common accord, and make upon the Territory the investigation which may be necessary. It is more than a year that the Brigadier General the Marquis de Casa Calvo, and the Engineer Dⁿ Josef Martines have with a sufficient number of persons to form the said Commission on the part of his C. Majesty, been waiting in New Orleans the arrival of the Commissioners of the U. States to begin their labours.

It is only after the researches & investigation of the Commissioners of both parties, furnished with such instructions as may be proper, that we can pursue the exact demarcation of Limits which never before having been fixed with the requisite exactness, can not now be determined upon with prudence, but upon a view of the Territory & having present the dates and Documents necessary to illustrate the subject.

Altho' upon this point of the Western Limits of Louisiana I could have extended myself much more in detail and accompanied my illustrations with Maps and Docu-

ments, my wish to answer Your Excellencies on this point, with promptitude, prevented me; I however reserve to myself the power of doing so hereafter, should it be necessary.

I hope Yr Excies on viewing what has been urged on this point will please to state to me your opinions upon the subject, and that you will acknowledge that as well in it, as in the whole course of the negotiation, I have not deviated a jot from the principle proposed by Yr Excies in your first letter of the 28th Jany and adopted by me in that of the 31st of the same month – "Each of the points depending between the two Governments ought to be examined impartially, and all motives of complaint and inquietude considered and terminated amicably; to do which, etc."

As I had the honor to state to Your Excellencies in my letter of the 5th March, and believe it indispensable to repeat here, on perusing the contents of Yr Excies letters of the 30th March & 12th April, I cannot but still consider it as premature to enter upon the forming of projects for a Convention on the whole, or upon the aggregate of the depending points, without analysing them first, at least to a certain point; and without fixing the rights of each Country as far as possible; because as Your Excellencies must know extremely well, before we can proceed to a Convention on the whole, it is necessary to know as far as possible what are the rights and obligations of His Majesty, and what are the rights of the U. States and their objections; which knowledge by detail ought to be the foundation of the negotiation, it being clear that according to the extent which we believe the right & obligations of the one & other party ought to be, so ought the Convention upon the whole to be the more or less extensive.

I hope to have the honor of receiving Your Excellencies answer on the point which is the object of this Letter, and reiterate to you the demonstrations of my distinguished consideration, etc.

(Signed) PEDRO CEVALLOS.

X. CHAMPAGNY[103] TO BEAUHARNAIS, AMBASSADOR FOR FRANCE AT MADRID[104]

Paris, August 31, 1807.

MONSIEUR AMBASSADOR: The discussions of Spain and the United States appear to be assuming a more serious character daily. As the principal object of those discussions is a matter of boundaries, on which the United States desire to have the opinion of France, I am going to give you some information that might be useful in clearing up the matter and in bringing about complete harmony between the two powers.

The discussion as to the eastern boundaries of Louisiana must be regarded as at an end. That country is bounded by the Mississippi, the Iberville River, Lakes Maurepat and Pontchartrain. The United States have no right to Florida and it could only be by voluntary arrangement with Spain that they could acquire any portion of that territory.

[103] Jean Baptiste Nompère de Champagny, duc de Cadore (1756-1834) was elected to the states general in 1789. He was released from the prison in which he had been placed during the reign of terror, and later made a councilor of state by Napoleon. He was ambassador to Vienna (1801-1804), minister of the interior (1804-1807), and minister of foreign affairs (1807-1811). He retired from public life on the restoration of the Bourbons.

[104] Eugene de Beauharnais, the celebrated officer of Napoleon, and son of Josephine, first wife of Napoleon. In 1804 he was made brigadier general and prince, and in 1805, viceroy of Italy. In 1806, he married the princess Amelia, daughter of Maximilian Joseph, king of Bavaria, and was made heir to the Italian throne. He was loyal to Napoleon's cause to the last, and although offered the crown of Italy if he would abandon Napoleon, he refused. After the downfall of the empire, he retired to Munich, where he died in 1824.

But at the western part of Louisiana, the boundary is indecisive, and it is on its settlement that the difficulties arise. The United States would like to extend them as far as the Rio Bravo. The Spaniards believe that they have a right to all the country as far as the Sabine River, and even beyond.

In order to ascertain which is the true right of these opposed pretensions, one would have to be able to base himself on certain acts or on long periods of possession. But there are no conventions, and the possession has been habitually undetermined. If it is desired to go back to the foundation of the colony, it is seen that in 1687, Monsieur de la Salle founded a settlement on the Bay of St. Louis, a short distance from the Colorado [i.e., Red River]. But that settlement lasted only a brief time. Afterward Spanish forts and houses were built nearer the Mississippi and extended as far as the Adayes River. Such were the advance posts of the Spanish colonies in 1762. All our settlements were near the Mississippi or rivers emptying into it; and although Lower Louisiana had thus much less width than Upper Louisiana, I have not discovered any information whence it results that France considered its rights injured and had any license to reproach Spain for any encroachment of territory.

It resulted from these observations, that in depending upon, as it appears natural to do, the last state of possession, the United States could not have the right of extending the territory of Lower Louisiana to the Rio Bravo or even to the Colorado [i.e., Red].

The territory of Upper Louisiana appears to be much more extensive. Although its boundaries have not been determined by any convention, one may judge by the letters patent given at Fontainebleau, September 14, 1712, that France then included in the government of Louis-

iana, the River St. Louis or Mississippi from the seashore to the Illinois, the River St. Philippe or Missouri, and all the countries, districts, lakes and rivers which empty directly or indirectly into that part of the Mississippi. I enclose your Excellency an extract of that edict, the other dispositions of which have no bearing on the boundaries.

That edict may serve as a base to a convention on boundaries, if it be premised, nevertheless, that there is no other act or state of possession of more recent date, which has changed or caused its dispositions to fall into desuetude.

It remains for me, setting out always from that disposition only to confirm on the ground itself the position of the line that separates from every other watershed that of the Mississippi and the rivers emptying into the latter. The Spanish and American Commissioners would make that investigation together. After the base indicated, they would follow the mountain chain, and as the lands become more level as one approaches the Gulf of Mexico, they would guide themselves on leaving the mountains by the course of the Sabine or by any other river which they had agreed to take as a boundary.

That operation which would end the chief points of discussion of the two states, would also make conciliation easier on all the other points.

France, had it kept Louisiana, would have tried to determine its boundaries, and would probably have taken as a base the principles that I have just set forth. It is natural that the Americans should today be able to take advantage of them, since they have acquired the rights of France.

However, since these boundary agreements are not to be made for us, your Excellency will recognize that

we are to express our opinion on this matter only reservedly. Had the boundary been established before 1762, and when we owned Louisiana, we would have the right of cutting short the discussion and in making the United States enjoy all our rights. But since the question was left undecided, we have only our pretensions to cede them. It suffices for us to set forth the information on which we base ourselves, and if this information leads us to establish a general principle on boundaries, at least we have not to apply it.

I believed it my duty to enter upon these details so that your Excellency could clearly see the direction that you should take in the question of the Louisiana boundaries.

You will note that the edict of 1712 comprises also in the extent of that colony territories located east of the Mississippi, but no inference is at this moment to be drawn from that, since those districts were long after separated from it by positive treaties. I have the honor, etc. [CHAMPAGNY.]

LOUISIANA TRANSFERRED TO LAUSSAT

Clark to Claiborne and Wilkinson (two letters), November 29 and 30, New Orleans.

Laussat to Claiborne and Wilkinson, an xii, 8 Frimaire [November 30, 1803], New Orleans.

Claiborne and Wilkinson to Laussat, December 7, 1803, Fort Adams.

Claiborne and Wilkinson to Madison, December 8, 1803, Fort Adams.

BIBLIOGRAPHY: Copied from the originals in the Department of State, Washington, Bureau of Rolls and Library, Territorial Papers, Orleans Territory.

I. DANIEL CLARK[105] TO CLAIBORNE[106] AND WILKINSON

1. LETTER OF NOVEMBER, 1803

New Orleans 29, Novem[r] 1803, Tuesday, 1 o'clock, p.m.

GENTLEMEN: The Prefect has demanded the Surrender of the Reins of Government into his Hands, and by Agreement with the Spanish Authorities is to [be] put in possession tomorrow at noon. He requests me to urge you to hasten your Departure, and on your arrival every Thing will be found conformable to your Wishes. I shall send an Express with a Request from himself to this Effect as soon as he is Master of the City, but he wishes you should not wait to receive it as Delays may be dangerous. I have invariably endeavored to impress you so strongly with the Necessity of Dispatch, that every thing further will be unnecessary. The People

[105] Daniel Clark lived for many years in New Orleans, where before the transfer he had acquired considerable influence. He was a restless, ambitious man, being led by his very nature to hostility with Claiborne and intrigue with Burr and Wilkinson. See: Gayarré. *History*, vols. iii and iv; and Adams. *History*, vol. iii.

[106] Claiborne was born in Virginia in 1775. After studying law, he settled in Tennessee, where he was appointed territorial judge. He figured to some extent in politics, and in 1802 was appointed governor of the Mississippi Territory, and later commissioner with Wilkinson to take over Louisiana. In 1804, he was appointed governor of Orleans Territory. In 1812 he was elected first governor of the state of Louisiana, serving until 1816, when he became a senator for Louisiana. He died at New Orleans, November 23, 1817. Although complained of so bitterly by the Louisianians and by many Americans, Claiborne gave, on the whole, a good administration to Orleans Territory, handicapped as he was by his lack of knowledge of the people and their language. He was scrupulously honest. See Gayarré's *History*, vol. iv, and Adams's *History* for his administration.

of the Province and the Government of the U. States are equally interested in your using every Exertion to arrive here as soon as possible. The public Mind is extremely agitated, the Prefect's Measures are looked on as premature by the better part of the People and your presence alone can calm the effervescence which the slightest Accident may cause to shew itself in the worst of Forms. I shall do all my Endeavours to keep all Parties quiet, as I enjoy the Confidence of all until you arrive and shall be prepared to give you all possible Assistance. I remain very respectfully, Gentlemen, Your very obed^{t} Servt (Signed) DANIEL CLARKE.

[Addressed: "Governor Claiborne and Brig^{r} Genl Wilkinson Commissioners for taking Possession of Louisiana."]

[Endorsed: "Copy of a Letter from Mr. Clark of Novr 29, 1803 to the American Commissioners."]

2. LETTER OF NOVEMBER 30, 1803

New Orleans 30 Novem^{r} 1803, Wednesday, 1. o'clock p.m.

GENTLEMEN: The Prefect has taken peaceable Possession of the Province and has delivered me the inclosed Letter and Proclamation to forward to you. I have only to add that you can not make too much haste to arrive here to maintain the present good order and tranquillity. There being an appearance yesterday of extreme Dissatisfaction on the Part of the Militia officers to continue to serve or do Duty, I thought it incumbent on me to convoke the Americans this Morning who formed a Company to serve as Auxiliaries to the Prefect under the American Colours to preserve order and guard the Town. He has accepted of their Services and the first Meeting was attended by one hundred Per-

sons who all volunteered their Services. I have been appointed by them their Captain, and no Endeavours shall be wanting on our Part, for I speak in the Name of all, to do what is most conducive to the public Good. The French Colours have this instant been hoisted here and I have waited to the last Moment to give you advice that you might perfectly rely on it, and take your Measures accordingly. I am very respectfully Gentlemen your most obed^{t} Servt (Signed) DANIEL CLARK.

[Addressed: "Governor W. C. C. Claiborne, Brigadier Genl Wilkinson."]

[Endorsed: "Copy of a Letter from Mr. Clark 30 Novem^{r} 1803 to the American Commissioners."]

II. LAUSSAT TO CLAIBORNE AND WILKINSON

New Orleans, an xii, 8 Frimaire [November 30, 1803].

The Colonial Prefect, Commissioner of the French Government, to the Commissioners of the government of the United States for the taking of possession of Louisiana:

MESSIEURS COMMISSIONERS: I am writing you from the town-house. The possession of Louisiana has this very moment been solemnly transferred to me by the commissioners of his Catholic Majesty, and I have received it in the name of the French Republic. The flag [of the Republic] is unfurled, and French domination has been established by a brilliant celebration [*actes d'eclat*].

I have not time to tell you more. Come as soon as possible and bring your troops here, so that I may transfer this gage of friendship and the long union (I trust) of our respective nations to the United States without delay.

I refer you to Mr. Clarke who will tell you more.

I have the honor to salute you with my high respect,

(signed) LAUSSAT.

[Endorsed: "Copy of the Prefect's Letter Novr 30, 1803 to the American Commissioners."]

III. CLAIBORNE AND WILKINSON TO LAUSSAT

Fort Adams, Decr 7, 1803.

The Commissioners on the Part of the United States, for receiving the Province of Louisiana to citizen Laussat, colonial Prefect, Commissioner of the French Government.

SIR: We hasten to acknowledge your welcome annunciation of the 30 ult^o which we have received a few Minutes since, and with lively Emotions of Joy, felicitate you on the Transfer of the Province of Louisiana, from the Government of Spain to that of the French Republick, which we consider the Precursor to the Fulfillment of the Treaty of the 30 April, between our respective Nations.

We shall embark tomorrow, and will advance with all practicable Diligence to take upon us the important Charge, which has devolved upon you, and to consummate an Event, which we flatter ourselves may seal the good Understanding and perpetuate the amicable Intercourse of the Sister Republicks.

We have the Honor to be with high Consideration and Respect, Sir, your obed^t Servants

W. C. C. CLAIBORNE

JA. WILKINSON.

IV. CLAIBORNE AND WILKINSON TO MADISON

Fort Adams Decr 8, 1803.

SIR: It is with singular satisfaction, we announce to you the peaceful Transfer of the Province of Louisiana by the Commissioners of Spain to the Commissary of the French Republic, communicated to us by that officer in a Letter, received last Evening (bearing Date the 30 ult^{o}) a copy of which we transmit you, under Cover, together with his Proclamation, issued on the Occasion; to which we have added, Copies of two Letters from Daniel Clark Esqr of the 29 and 30 ult^{o}.

Every Exertion is in operation, for our speedy Embarkation, and we are persuaded the ceded Territory will acknowledge the Government of the United States, before your receive this Letter. We are, Sir, most respectfully, your obed^{t} humble Servants.

WILLIAM C. C. CLAIBORNE.
JA. WILKINSON.

[Addressed: "The Honble Secretary of State."]

[Endorsed: "Govr Claiborne and Genl Wilkinson, Decr 8th, 1803."].

GOVERNOR CLAIBORNE TO MADISON

Twenty-four letters, dated, December 20 and 27, 1803, January 2, 24, and 31, February 4, 6, 13, and 18; March 1, 2, 9, 10, and 24, May 8, 10, and 29, July 5, October 16, and December 31, 1804, February 28, and March 8, and 24, 1805, and May 16, 1806, New Orleans.

BIBLIOGRAPHY: All from the originals in the Department of State, Washington, Bureau of Rolls and Library. The first two, the fourth to the eleventh, inclusive, and the fourteenth are from Territorial Papers, Orleans Territory; the third, twelfth, and thirteenth, are from Governor Claiborne's Correspondence relative to Louisiana, vol. i; the fifteenth to the twentieth, inclusive are from *id*, vol. ii; the twenty-first, twenty-second, and twenty-third are from *id*., vol. iii; and the twenty-fourth is from *id*., vol. iv.

I. LETTER OF CLAIBORNE TO MADISON DECEMBER 20, 1803

New-Orleans December 20th, 1803.

SIR: The letter from the American Commissioners will inform you that we are now in possession of this City, and I hasten to inform you of the measures which I have taken as Governor of Louisiana.

A Proclamation[107] of which the enclosed is a Copy, was issued by me immediately, after the Surrender of the Province. You will observe, that it is silent concerning the militia (a Subject deeply interesting to the feelings of many here), as for many reasons I am induced to await a further acquaintance with the nature of the present establishment, before I attempt any organization of that force.

I also enclose for your perusal, a copy of a short address[108] from myself, to the Citizens of Louisiana: and I persuade myself that the Sentiments I have conveyed, will meet with the President's approbation.

The Standard of my Country was, this day unfurled here, amidst the re-iterated acclamations of thousands.[109]

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[107] See this proclamation in Gayarré's *History*, vol. iii, 620-622.

[108] See a synopsis of this short address in Gayarré's *History*, vol. iii, 619. This address was received coldly by the Louisianians.

[109] See Robin's account of the retrocession to Laussat, and the latter's transfer to the United States, in his *Voyages*, vol. ii, 128-141. Robin cites in great part Laussat's proclamation to the Louisianians at the transfer to the United States. Robin was a spectator at the ceremonies of the transfer. He says:

"In the meantime, I saw the French flag slowly descending and that of the United States gradually rising at the same time. Soon a French officer took the first to wrap it up and bear it silently into the rear. The American flag remained stuck for a long time, in spite of the efforts to raise it as if it were

And if I may judge by professions and appearances, the Government of the United States is received with joy and gratitude by the people. I shall write to you more fully by the next mail. At present let it suffice to say, that the surrender of the Province to us has been happily accomplished under as favorable omens as we could wish.

Accept assurances of my sincere esteem and high consideration, WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "December 20th, 1803, Gov. Claiborne."]

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confused at taking the place of that to which it owed its glorious independence. An anxious silence reigned at that moment among all the spectators who flooded the plaza, who crowded against the galleries, balconies, and windows; and it was not until that flag has been quite hoisted up that suddenly piercing cries of 'Huzza' burst from the midst of one particular group, who waved their hats at the same time. Those cries and that movement made more gloomy the silence and quietness of the rest of the crowd of spectators scattered far and wide – they were French and Spanish and were all moved and confounded their signs and tears."

The importance of the acquisition of Louisiana was clearly seen by others besides Chancellor Livingston. David Ramsay in his oration on the cession, at Charleston in 1804 said:

"The establishment of independence, and of our present constitution, are prior, both in time and importance; but with these two exceptions, the acquisition of Louisiana is the greatest political blessing ever conferred on these states."

See: Ramsay. *Oration*, 4. The same author says (page 9):

"The West-India Islands must depend on our granaries for their daily bread. Such of the powers of Europe, as have colonies in our neighborhood, will be obliged to court our friendship. The congress of the United States will regulate all intercouse between the West-India Islands and the continent of North-America, with the paltry exception of the Floridas, Canada, and Nova-Scotia. This will afford the most ample and easy means of defence – of a defence, which though it costs us nothing, will serve us more effectually than fleets and armies."

On pages 10, 11, he says that this acquisition will render the United States commercially independent of Europe; manufactures will arise in the United States.

II. LETTER OF CLAIBORNE TO MADISON, DECEMBER 27, 1803

New Orleans, Decem. 27, 1803.

SIR: Since my last I have been as busily engaged as circumstances would admit, in making such arrangements for the temporary Government of the Province as I esteemed most consonant to the intentions of the President and the expectation of the inhabitants. The difficulties I meet with in this undertaking are peculiarly embarrassing on account of the neglected State in which I found the colony. The functions of Government have been nearly at a stand for some time, and considerable arrears of business have accumulated in every department. The French Prefect during the time he held the country exerted himself to remedy this evil, and his efforts were so happily directed as to give pretty general satisfaction. But he could feel only a temporary interest in the Concerns of the Country, and his time was too short for extensive operations. There is one of his measures however to which I feel myself not a little indebted. He abolished the Cabildo, or City Council.[110] This body was created on principles altogether incongruous with those of our Government. It was in part an hereditary Council – in action feeble and arbitrary and supposed to be devoted to the views of the Spanish Government. In their place I found a Municipality established, Consisting for the most part, of approved Characters, and well disposed to the expected change of Government: and, I therefore, did not long hesitate to sanction the new arrangement.

Being a Stranger in the Country I of course stand in need of much local information, as I proceed; and sus-

[110] On the cabildo, see *Account of Louisiana*, 40, 41.

picions which I have too much reason to apprehend from latent interests in almost every quarter to which I can look, have often induced me to deliberate perhaps longer than is consistent with the promptitude expected from me.

Among my difficulties I have to mention the Organization of the Militia.[111] I have to regret that the Prefect was not so fortunate in his arrangements on this head as I could have wished. I have found several very young men holding rank above their years, and some others who are unpopular as officers, and under whom the militia will serve very reluctantly if at all. But my principal difficulty arise[s] from two large companies of people of Colour, who are attached to the service, and were esteemed a very serviceable corps under the Spanish Government. On this particular Corps I have reflected with much anxiety. To recommission them might be considered as an outrage on the feelings of a part of the Union and as opposed to those principles of policy which the safety of the Southern States has necessarily established. On the other hand, not to recommission them would disgust them, and might be productive of future mischief. To disband them would be to raise an armed enemy in the very heart of the Country, and to disarm them would savour too strongly of that desperate system of Government which seldom succeeds. Should no necessity urge me to a hasty decision on this point, I shall await some opinion and instructions from

[111] The militia of Louisiana, according to the *Account of Louisiana*, 20-22, numbered about ten thousand at the time of the transfer. The militia was a matter of great uneasiness to Claiborne and he mentions it in many letters. In that of March 31, 1804 to Madison, he speaks of a circular letter issued on March 28, containing directions for the various commandants. This provides for the training of the militia. Commandants are to inform him of the number of the militia.

the Department of State, and have therefore to beg that I may be favored with them as soon as possible.

In my first proclamation I did not insert the Treaty as was intended by the draft forwarded to me some time since. I omitted it because, in the course of the week before my arrival, it appeared in the several New Orleans papers, in the English and French languages, and had already got into general Circulation. The insertion of it in my proclamation, would, moreover, have considerably retarded the publication; and the lively anxiety of the people at that interesting crisis, forbad[e] the delay of my proclamation.

I had formed very favorable expectations of the country, but I have had the Satisfaction to find them surpassed. The banks of the river from Baton Rouge to the City exhibit almost uninter[r]upted streets of comfortable, and frequently magnificent buildings, with every appearance of prosperity around them. The principal Streets of the City are well built – many of the houses are elegant, and improvement seems to progress. New-Orleans appears to me to be not unlike what Baltimore was four years ago; with every prospect of rapid advancement. The Governor's house is large, and, I am told, commodious. I took an early opportunity of communicating to the late Governor through his eldest son, that I wished him to consider that house as his own, until it was perfectly convenient to him to leave it. I however learn that he means to quit it in the course of a few days.

I yesterday paid a visit of ceremony to the Convent here; and returned I assure you deeply impressed with the importance of that establishment at the present period. There is an Abbess and *eleven* Nuns, the sole object of whose temporal care is the education of female

youth. They at present accom[m]odate seventy-three boarders and a *hundred* day-scholars—each of whom contribute[s] to the support of the house in proportion to the means and condition of their respective parents, and many receive their tuition *gratis*. In the name of the President of the United States, I undertook to give the Nuns a solemn assurance that they would be protected in their persons, their property and the religion of their choice; and they in return expressed the highest confidence in the Government. They even indulge an expectation that several of the Nuns who on the arrival of the French officers, retired to the Havanna, would return, it being now certain that nothing is to be apprehended from the French, and that with us they would enjoy the advantages of just and mild laws.[112]

[112] The royal permission for the Ursulines to remove from New Orleans to Havana (which exists in the Public Archives of Havana) is as follows:

"The following has been communicated to this ministry in my charge by the ministry of grace and justice: 'At a meeting of the Council of the Indies of the 8th of the current month, the king has been pleased to accede to the request of the Ursuline nuns of New Orleans and has permitted them to remove to the city of Havana. They are to be placed for the present in one or more convents of the nuns of said capital, until the proper reports can be made in regard to settling them permanently where they may be most necessary and useful in the exercise of their institution of teaching the young of their own sex; and where their establishment may be less costly. His Majesty has also resolved that the necessary expenses for their removal and their temporary residence be paid on account of the royal treasury, commission therefor being given to the governor and reverend bishop of said city.' I inform your Lordship of this royal order for your direction and its fulfilment. May God preserve your Lordship many years. SOLER [rubric]
Madrid, July 2, 1803."

[Addressed: "The intendant of the army of Havana."]

[Endorsed: "Havana, October 8, 1803. Have account taken of this by the tribunal of accounts, and send it to the contaduria general of the army so that it may be placed on record. Have a certified copy sent to the secretary's office of this intendancy.

In the absence of the intendant, Arce."]

[Endorsed: "Royal Tribunal of Accounts. October 10, 1803. Have a record made of it (rubric)."]

[Endorsed: "Have a record made. Department of memorials and balances of the contaduria of accounts of Havana, October 10, 1803.
BARRUTIA (rubric)."]

[Endorsed: "On the 17th of the month of October, a copy was handed to the secretary's office of the intendancy general (rubric)."]

The Ursulines had first come from France to Louisiana in pursuance of an

Our army here is so small that General Wilkinson has not yet thought it expedient to dismiss the Militia of the Mississippi Territory. I think necessary to mention that the General at my request furnished many of them at Fort Adams with clothing, blankets, etc., as the men were too poor to provide themselves, and the weather was inclement and severe. For the sake of these patriotic men I have to intreat that the articles furnished, may be considered by the Government as a present. They deserve well of their country; they turned out in the middle of winter when a serious campaign was apprehended. Their duty has been hard. And if at the expiration of their time, the price of their equipment be deducted from their pay, they will go home poorer than they came, with the fatigues of the expedition the only reward of their services.

Accept assurance of my high and respectful consideration, WILLIAM C. C. CLAIBORNE.

[Addressed: "The Hon. James Madison, Secretary of State."]

[Endorsed: "December 27, 1803, Gov. Claiborne."]

III. EXTRACT FROM A LETTER OF JANUARY 2, 1804

New Orleans, January 2, 1804.

I once had respect for the character of Governor Salcedo, but my good opinion of him has ceased. For it is a shameful fact that under his administration not only many of the posts of honor and profit within his gift were sold, but that even when exercising the sacred character

agreement made with the French Company of the Indies, September 19, 1726. The duties of the nuns were carefully stipulated. See: French. *Hist. Coll. of Louisiana* (New York, 1851), 79-83, note. See, also: Stoddard. *Louisiana*, 154, 155.

of a judge he often vended his decisions to the highest bidder. This only can be said in extenuation of his conduct, that he is superannuated and that his eldest son, a young man who bears an unfortunate character in this place, had acquired and still maintains a ruinous influence over his aged father. After such an account of the head, you will not be surprised that the same depravities pervaded the system in every direction. . .

The state in which I found the jurisprudence of the Country embarrasses me extremely.[113] The arrears of business in this department are very great: many of the causes are of considerable importance: and some of them have been pending for upwards of twenty years. Corruption had put her seal upon them: but now, that seal being broken, few can see the necessity of further delay. Much is expected by the people from the pure and upright character of the American judiciary: and they manifest great impatience for it to be put in operation. But it is impossible to indulge this expectation immediately. To go thro' the several causes now pending, and the prodigious accumulation of written testimony with which I understand them to be loaded, would require not only an intimate knowledge of the Spanish language (for to translate the words, would, I am credibly informed, be the work of years), but also an acquaintance with the Spanish laws and habits of practice. . .

Permit me, before I conclude, to repeat my solicitude for the early establishment of some permanent govern-

[113] On December 30, 1803, Claiborne issued an ordinance (in both English and French) establishing a court of justice. This ordinance provided that the court should meet at least once each week in New Orleans. Three of the seven or more justices were to be sufficient to make a quorum. It was to have cognizance over all matters of debt. Regulations governing the procedure are carefully laid down. The preceding day, the same governor had issued an ordinance for the better regulation of shipping in New Orleans, containing twelve articles, carefully stating necessary procedure in the harbor.

ment for this province; not merely on account of my personal interest in the acceleration of that measure, but for the sake of the Country. When the charms of novelty have faded, and the people have leisure to reflect, they will I fear, become very impatient in their present situation. I could wish that the constitution to be given to this district may be as republican as the people can be safely entrusted with.[114] But the principles of a popular government are illy suited to the present state of Society in this Province: the representative system is an enigma that at present bewilders them. Long inured to passive obedience, they have, to an almost total want of political information, superadded an inveterate habit of heedlessness as to measures of government, and of course are by no means prepared to make any good use of such weight as they may prematurely acquire in the national scale. For nearly the same reasons, the estab-

[114] Claiborne in his letter to Madison of January 10, 1804 says of the Louisianians:

"The more I become acquainted with the inhabitants of this province, the more I am convinced of their unfitness for a representative Government. The credulity of the people is only equalled by their ignorance, and a virtuous Magistrate resting entirely for support on the suffrages and good will of his fellow Citizens in this quarter, would at any time be exposed to immediate ruin by the machinations of a few base individuals, who with some exertion and address, might make the people think against their, and act against their interests."

In his letter of July 3, 1804, he says:

"The population is composed of so heterogeneous a mass, such prejudices exist, and so many different interests to reconcile, that I fear no administration or form of Government can give general satisfaction."

In his letter of July 7, 1809, also to Madison he says:

"The Louisianians have as little mischief in their dispostion, and as much native goodness as any people, I ever lived among; but unfortunately they are extremely credulous, and their general sentiment and conduct may easily be directed by a few intriguing designing men. I find also among the Louisianians, a considerable jealousy of their American brothers – viewing themselves as a distant and acquired branch of our family, they seem to think, they are not secure in the affections and confidence of the Government: Of this circumstance also, designing men avail themselves to excite fear and suspicion; but I am persuaded, that a little experience under the American Government, will give rise to very different impressions among the body of the people, and that in a few years the Louisianians will be among the most grateful of our Citizens, and sincere admirers of our Union and Government."

lishment of a judiciary on American principles will have to encounter the most serious difficulties. Not one in fifty of the old inhabitants appear[s] to me to understand the English language.[115] Trials by jury at first will only embarrass the administration of justice: tho' I presume a short acquaintance will be sufficient to convince any reasoning society of the inestimable advantages of that happy system.

IV. LETTER OF CLAIBORNE TO MADISON, JANUARY 24, 1804

New-Orleans, Jany 24, 1804.

The French vessel, which I mentioned to you in my last letters, has been *brought to* at Plaquemines, but not having yet received an official report from the officer, I am unable to give you a particular account of the passengers.

The period allowed by the treaty for the withdrawing the French and Spanish forces from the ceded Territory expires this day, and still little or no preparation is made for an embarkation. The commissioners of the United States addressed a letter to M. Laussat on yesterday, and urged the Strict execution of the Treaty in this particular; his answer is not yet received.

The Spaniards have in this city (I understand) about two hundred men, and nearly thirty officers; they retain a part of the barracks and the public warehouses are still occupied by their military Stores. But otherwise the United States experience no injury by their remaining. The Spanish officers since the delivery of the City to the American Commissioners, have conducted themselves with great propriety, and manifested a friendly disposi-

[115] On the introduction of English into Louisiana by the Americans, see Robin's *Voyages*, vol. ii, 387-389.

tion to the authorities of the United States. The Spanish troops are in excellent Subordination, and have not in the least degree interrupted the harmony of the City. I can not speak equally favorable of the French forces; these indeed are inconsiderable; I believe they have no soldiers, but few sailors, and only *eight or ten officers*: but some of these are mischievous, riotous, disorderly Characters, and have contributed greatly to interrupt the harmony of this city. There are also in New-Orleans, between twenty and thirty young adventurers from Bordeaux and St. Domingo, who are troublesome to this Society; they are men of some information, desperate fortunes, and inflated with an idea of the invincibility of Bonaparte, and the power of the French nation; they feel mortified at the possession of this province by the United States, and seem determined to sour the inhabitants as much as possible with the American Government. The means they use are the dissemination of falsehood (which among the uninformed and credulous, pass current) and incessant efforts to foment divisions among the Creoles of the Country and the natives of the United States who are here.[116] These disorderly men have an extensive range for the display of their mischievous dispositions; the language, manners and habits

[116] The state of Louisiana, from the side of Spain at the time of the transfer is fairly well expressed in the following:

"The people of Louisiana were living under the Spanish Government in tranquillity and happiness, when events happened, which entirely changed the face of things, and exposed them to the inconveniences of two successive political revolutions. Though represented by some as in a state of degradation, they had been accustomed to enjoy not only a degree of freedom, uncommon under monarchical authority, but even every favor which could tend to their welfare. Their country was flourishing, their civil station comfortable and decent, their private life happy and undisturbed. Such was, whatever may be said by the interested or partial, the situation of the Louisianians, when France and afterwards the United States acquired their territory; and yet such was their confidence in the government of the United States, and their idea of the blessings they were about to enjoy under it, that they passed under their dominion with pleasure and cheerfulness." – *Reflections on the Cause of the Louisianians* (1804?).

of the people here are French, and a strong partiality still exists for the French nation; added to this the ignorance and credulity of the mass of the people; and here, Sir, is the great source of misfortune. Until information is more generally diffused, the American Government will not have fair play in this Province, and a virtuous Magistrate may be ruined by misrepresentation, for the people may be made to believe anything.

I consider that the diffusion of information among this people, is so essential to their political happiness, and to the welfare of the American Government, that I would think it wise policy in Congress to appropriate one hundred thousand dollars annually for the encouragement of education in Louisiana.[117]

Many of the citizens of New-Orleans and its vicinity, have expressed some inquietude at not being invited to take the oath of allegiance to the United States, and I learn that the Americans who are here censure me greatly for not calling upon the people of Louisiana generally to take oaths of abjuration and allegiance. I conceived it my duty to wait instructions from the President on this point. In a proclamation upon this subject, it might have been proper to define the limits of the ceded Territory, and this I was not authorized to do. The prevailing sentiment here is, that West Florida is not included in the cession to the United States. M. Laussat avows this opinion, and in this particular the Spanish

[117] Dr. Watkins, in a letter to Governor Claiborne, August 2, 1805, outlines educational measures in the territory. One building in the city of New Orleans had been erected long before at the expense of the Spanish sovereign "for the benefit of the youth of Louisiana; and from that time to the delivery of the Colony to the French government, His Catholic Majesty maintained at his own expense several teachers in the different branches of literature whose services were bestowed gratis upon all those who thought proper to benefit by them." Watkins suggests that this building, now occupied by the chief of the military be converted into a public library building to be connected with the university provided for by Congress.

Commissioners accord with him most heartily. There are few men of fortune in New-Orleans but have been engaged in the land speculations in Florida, and it is strongly suspected that the French and Spanish officers who are here, are also concerned, and hence arises their solicitude. I should suppose however, that this question must be decided by the Treaty, and it seems to me that a just construction thereof, must extend the cession eastward, to the limits of Louisiana as possessed formerly by France. I believe myself that Spain is jealous of our pretentions to the west, and that it would be no difficult task to obtain a cession of both Floridas for a relinquishment of our claims to all the country west of the Sabine river.[118] I believe also, that if we were to insist upon our claim (under the Treaty of cession) to the Country as far as Perdigo [*sic*], Spain would be disposed to concede, unless indeed she should be encouraged in a refusal by France, and on this point M. Laussat of late evidences so lively an interest, that I suspect his feelings are either in unison with those of his Court, or the suspicions which are partially entertained here, of his being concerned in the land speculations in Floridas, are well founded.

A detachment of troops under the command of a Lieutenant Hopkins have proceeded to the Atakapas, and over that district I have appointed Lt. Hopkins, Civil Commandant – he is a young man of prudence, good information, and possesses some knowledge of the French language. The inhabitants of the Atakapas district,

[118] In Claiborne's letter to Madison, June 9, 1804, he says:

"From every information I can collect, I am persuaded that the Spaniards are very jealous of our claims to the Westward, and I am inclined to the opinions that, east and west Florida, might both be acquired, provided the United States would consent that the river Sabine should limit Louisiana westwardly; but on this subject I can only form conjectures, and I presume by this time, you must be accurately informed."

are divided into factions, and much disorder prevails among them. A man of the name of St. Julien, an inhabitant of Atakapas, and a zealous Frenchman, was charged about six or seven months ago, by the then Spanish Commandant of the district, with the murder of his wife. St. Julien was arrested and conveyed to the jail of this city, where he remained until the Province was surrendered to France, when St. Julien was released by the Prefect, and the commandant of the district removed. The Prefect in his decree, releasing St. Julien, made some preliminary remarks which were viewed by the Marquis de Casa Calvo as impeaching the honor of the Government of Spain, and excited in his breast angry sensations. The Prefect however, bound St. Julien in a recognizance to appear whenever called upon by the tribunals of Louisiana.

Immediately on my arrival, my attention was solicited to St. Julien's case. The Prefect and the Marquis manifested equal anxiety; and the subject seemed to excite much public solicitude. I at first determined to do nothing in the business; but St. Julien and his friends prayed that I would direct an enquiry in order that he might prove his innocence, and the guilt of his accusers; the latter and their friends were equally solicitous for an enquiry, in order that they might exonerate themselves from the suspicions of murder and persecution which had attached to them; I have therefore continued St. Julien in his recognizance, and directed Lt. Hopkins to examine witnesses for, and against St. Julien, and to forward the depositions to me, and await my further orders.

I have been thus particular on this subject, because I have understood that one Alexander De Clouet, who is St. Julien's accuser, supposes that great injustice is done

him, in St. Julien's not being remanded to prison, and that he contemplates seeking redress by a memorial to the President.[119]

There is another case, in which I learn I have given dissatisfaction to the parties, and they propose appealing to the President. A Citizen of this place claims the land on which one of the Forts in this City is erected; he says the land was taken from him (without any compensation) by the Baron de Carondelet, and that the Treaty having secured to the inhabitants their property, that instrument will be violated if the ground is not immediately restored to him. This man was informed that the Forts of the City were surrendered to the United States, and could not be relinquished by me. That if he would state his case I would transmit it to the Executive, who would do him strict justice. The other day I granted permission to the Mayor of the city to remove the dirt from some useless outworks adjoining the Fort (alluded to) to repair a breach on the levee. The Citizen again remonstrated, and says his private rights are violated, and that he must look to the President for redress.

Thus you see Sir, that it will not be an easy task to give satisfaction to this uninformed people.

[119] Claiborne's letter of May 24, 1804, to Madison is entirely concerned with this matter. He says:

"St. Julien has many friends, and the general sentiment is greatly in his favour; his accusers however have great wealth and stand high in the confidence of the Spanish Government; they are now extremely solicitous for St. Julien's arrest, and seem to think that on his trial they would be enabled to prove his guilt."

He encloses a long letter from Casa Calvo, protesting against Laussat's declaration of the innocence of St. Julien, and praying that justice be done. In his reply to Casa Calvo, May 22, 1804, Claiborne states the delicacy of his situation inasmuch as he had found St. Julien at liberty upon his arrival at New Orleans. Laussat's decree of December 3, 1803, setting St. Julien at liberty is enclosed with the above letters. This decree is also given by Robin in his *Voyages*, vol. ii, 147-153. Robin treats the matter in great detail, *ut supra*, vol. iii, 71-116.

Accept assurances of my high and respectful consideration. WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "January 24, 1804, W. C. Claiborne."]

V. LETTER OF CLAIBORNE TO MADISON, JANUARY 31, 1804

New-Orleans, Jany 31, 1804.

SIR: A vessel arrived at this port a few days since with fifty African negroes for sale. Being unwilling to permit so barbarous a traffic, if my powers authorized me to prevent it, I immediately applied to a Mr. Leonard, the late Spanish Contadore at this place, a man of great integrity of character for information as to the laws and customs of Spain relating to the African trade, and received from him a letter upon the Subject, which is herewith enclosed.[120] Finding from Mr. Leonard's Communication that the bringing of African Slaves to Louisiana had been permitted by the Spanish authorities, and doubting whether I was vested with authority to forbid their sale, the importer has been left to pursue his own wishes. The vessel from St. Domingo which I mentioned in my last, is still at Plaquemines. It seems, that the passengers consisted chiefly of sick and wounded soldiers coming from Cape Nichola[s] Mole.

We have proposed to accommodate those people at the Garrison of Plaquemines with as comfortable quarters as are allowed to our own troops. But with this M. Laussat is much dissatisfied, and insists upon their being brought to New-Orleans: I have myself thought, that we were bound to extend to those people humane and hospitable attentions; but that the means of doing so,

[120] This letter immediately follows.

ought to be left to our own discretion; I have also thought, that the duty of neutrality made it necessary, that we should cause them to depart as soon as their situation will enable them to proceed. With a view therefore to that departure, Plaquemines presented itself as the most proper position, for their temporary residence; were they admitted to this City, the soldiers would locate themselves in the country, and the officers would await opportunities to return to France in some neutral vessels. Indulgencies of this kind, might be complained of by Great Britain. With regard to their departure, our opinions were formed from the duties of neutrality as defined in Vatel's Laws of Nations, and particularly in the 133 Sec., Chap. 7, book 3. But for more particular information on this point, I will refer you to a letter from the Commissioners, which you will receive by the next post.

I am sorry to inform you, that a few of the French officers and Citizens who are here, continue to evidence a disorderly disposition; they are mortified at the loss of this delightful Province, and seem to foster great hatred to the Americans who are here; among these also there are many warm and imprudent young men, and I can assure you, Sir, that it requires much address and prudence to preserve the harmony of the city.[121]

[121] It was quite natural that the French influence in Louisiana should be feared. The fear extended to Great Britain as well as to the United States. The matter is treated by George Orr in his *Possession of Louisiana* (London, 1803). He says [page 13]:

"If the French once become their neighbours, it will be a continual scene of encroachment and irritation; and there can be little doubt that the boundaries of Louisiana will be fixed with as much difficulty as those of old France."

"If the Spanish government in New Orleans, at the mouth of the Mississippi, have of late thought proper to treat the Americans so harshly, in respect to their commercial affairs, and that too at a time when they are about to resign that territory to the French, it is only a memento for the Americans to prepare themselves for what they are to expect on the arrival of their new neighbours." — [Pages 37, 38.]

"The French having once possessed themselves of all the territory on the

Some unpleasant diplomatic letters have passed between M. Laussat and the American Commissioner, upon the disorderly conduct of some of the French officers, which he denies and charges it to the Americans. Copies of these letters will be transmitted to you; I have however reason to hope that no further disturbances will ensue. Everything is at present perfectly tranquil, and the most perfect good understanding apparently exists between the natives of the United States and those of Louisiana. The public ball room has been the theatre of all the disorder.

During the winter season, there has for many years been a ball twice a week.

Every white male person visits it who will pay at the door fifty cents, and the ladies of every rank attend these assemblies in great numbers.

The consequence is that the company is generally composed of a very heterogeneous mass. To keep order at these balls under the Spanish Government a strong guard was stationed at the ball room and on the first appearance of disorder, the persons concerned, were committed.

On my arrival at New-Orleans, I found the people very solicitous to maintain their public ball establishment and to convince them that the American Government felt no disposition to break in upon their amusements (as had been reported by some mischievous

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western bank of the Mississippi, (which is allowed to be the most fertile part of America,) and East and West Florida on the east of the river, will become dangerous and troublesome neighbours to the Americans, and jealous rivals both to the English and to them, in that part of the world." – [Page 43.]

"If the English and Americans but open their eyes, and look forward, they will perceive, that when the French once settle themselves in North and South America, they will one day contend for the chief power in those countries." – [Page 44.]

He suggests an alliance between England and the United States against French aggression.

persons), General Wilkinson and myself occasionally attended their assemblies.

Under the Spanish Government, the governor-general was the regulator of the balls; but this gallant duty, I have chee[r]fully surrendered to the municipality of the city. I fear you will suppose that I am wanting in respect in calling your attention to the balls of New-Orleans; but I do assure you, Sir, that they occupy much of the public mind and from them have proceeded the greatest embarrassments, which have hitherto attended my administration.

The three months allowed by the Treaty for the withdrawing of the French and Spanish forces have expired; but the evacuation has not yet taken place. The public Store-houses are still occupied by the French and Spanish authorities.

A part of the records have been delivered to the American Commissioners, but many important documents yet remain to be received.

I have experienced such repeated interruptions and my attention in the course of this day has been so frequently called to some local business of the Province, that I can not write you as fully by this post, as I could wish.

Accept assurances of my great respect and high consideration, WILLIAM C. C. CLAIBORNE.

P.S. I enclose you a pamphlet being the vindication of Adjutant-general Burthe, who has had a serious misunderstanding with M. Laussat. The perusal perhaps will not be uninteresting to you.

[Addressed: "The honorable James Madison, Secretary of State."]

[Endorsed: "January 31, 1804. Duplicate of Governor Claiborne."]

[Attached to this letter is the letter from Leonard mentioned by Claiborne:]

SIR: In reply your Excellency's request for information relative to the arrangements of the Spanish Government of this Province, concerning the importation of slaves, I beg leave to represent.

That by an order of his Majesty, dated at Aranjuez the 24th of January, 1793, the prohibition which restrained the importation of slaves, was expressly removed, free of duties, to favor the commercial interests of His Majesty's subjects, and the said order was promulgated in due form by the Intendant of this Province, Don Ramon de Lopez y Angulo, on the 29 Novber, 1800.

Subsequent to the retrocession of the Province to France, but pending the existence and the exercise of the Spanish authorities, three vessels have arrived, and been admitted into this port, with Slaves for sale consigned to John Francis Mericult–viz. the French Brig Affrican, Peter Farnuel, master, charged with one hundred and forty-three Africans. The French Brig La Confiance, John Lewis Sacroy, master, charged with one hundred and seventy Africans, and the French Brig Sally, Augustus Guibert, master, charged with one hundred and fifty Africans.

It is proper for me to observe to your Excellency, that the Royal Edict required Spanish bottoms, and Spanish masters, for this commerce, but the Spanish authorities which existed but after the retrocession had been formally announced, considered it their Duty, to pursue the obvious spirit of this Edict, which had for object the particular interests and accomodation of His Majesty's marine, and his subjects, and therefore they deemed it both reasonable and just, that these privileges and advantages, which had been graciously intended for Span-

ish Louisiana, should not be withheld from French Louisiana, during the existence of their temporary authority.

To this candid exposition of Facts, I will beg leave with great deference, to add the opinion, that should a change of Policy be found expedient by the Government of the United States, it should be promulgated, a reasonable time anterior to the interdiction of such commercial expeditions as may have been projected under and admitted by the Governments of France and Spain, previous to the sale and transfer of the Province by the French Government to the United States.

I have the honor to be with the highest consideration and respect, Sir, your most obedient humble servant.

GILBERT LEONARD [rubric].

New Orleans 25th January, 1804.

[Addressed: "His Excellency William C. C. Claiborne."]

[Endorsed: "rec^{d} in Govr Claiborne's, 31 Jan^{y}, 1804."]

VI. LETTER OF CLAIBORNE TO MADISON, FEBRUARY 4, 1804

New-Orleans, Feby 4, 1804.

SIR: On yesterday we had nearly witnessed in this city a serious riot. A guard of Spanish soldiers, being on duty at the house of the Marquis de Casa Calvo (who was himself absent) and very much intoxicated, made an attack upon a sailor who was passing the street. The Citizens interfered and beat off the Guard. One citizen was slightly wounded, and a Spanish Soldier very much beaten. Early information of this fracas having reached me, I communicated the same to the officer commanding the Spanish troops, and requested that the Guard might be immediately relieved and the aggres-

sors confined; all which was promptly done: and thus a riot was instantly quelled, which in the beginning had a very alarming aspect. When the Guard was relieved (the guard consisted of twelve or fourteen men, and within whose view there was a detachment of Spanish dragoons), there had collected about two hundred citizens, who were apparently much enraged, and solicitous for a battle.[122]

I have for some time viewed the tranquillity of this City as somewhat insecure. The materials for a mob are abundant, and it requires all my vigilance to prevent disorders. There are adventurers here from several different nations—of various characters, and among them many vagabonds. There are in this port, American, French and Spanish sailors, among whom there exists no cordiality. We have also American, French, and Spanish officers and soldiers, who possess a great share of national pride, and whose jealousies and resentments might easily be excited.

There are in this City some Americans who would

[122] The presence of the few Spanish troops in New Orleans continued to enflame the Americans, although as a matter of fact there was nothing to be apprehended from them. An extra edition of the Orleans *Gazette* of December 31, 1804, published the following resolution which was moved in the legislative assembly by Mr. Pollock:

"WHEREAS certain troops of his Catholic Majesty yet remain in this city, appearing daily in its streets with arms, to the great annoyance of the good citizens thereof. And whereas a guard is regularly mounted at the house of the Marquis de Casa Calvo by those troops, who are said to be detained for that purpose solely. And whereas the government of the United States, hath ever held inviolate the rights of hospitality, by a full protection of those who are under its laws, without foreign aid,

"THEREFORE, RESOLVED, as the sense of the members of the legislative council, that such practices are not only dangerous to the peace and quiet of this city, but derogatory to the dignity of the government of the United States, and an infringement of its sovereignty.

"RESOLVED FURTHER, that the president of the council be directed for[th]with to transmit a copy of the preceding resolution to his Excellency the Governor of this Territory.

"Which resolution was read the first time, and agreed to.

"*Ordered* that the above resolution be taken into farther consideration on Monday next."

wish me to act to the extent of my authority, and to suppress by the force of terror even a tumultuous thought. Such men will attribute to what they please to term my lenity and want of firmness every little disorder which has, or may hereafter arise; and it is not improbable but representations upon this point either have, or may shortly through indirect channels reach the Executive. In reply to them I beg leave to state, that my great object has been to impress forcibly upon the inhabitants, the justice, the moderation – in a word the principles of the American Government; and to enlist in support of the new order of things, the affections of the people. That fearful and sullen calm which despotism produces, has no charms for me; and to such a State I would prefer even anarchy. When indeed the occasion demands (and of which without special instructions from the President I shall judge for myself) I will exercise with promptitude and energy the great discretionary powers intrusted to me; but I do trust and believe that the conciliatory and mild policy which I have, and shall continue to observe, will promote the welfare and harmony of the Province.

I will endeavor to make you another communication by this post.

Accept assurances of my respectful consideration

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "February 4, 1804, Wm C. C. Claiborne to Secretary of State."]

VII. LETTER OF CLAIBORNE TO MADISON, FEBRUARY 6, 1804

New-Orleans, February 6th, 1804.

SIR: New-Orleans at this time is perfectly tranquil, and I hear of no disturbances in any part of the province. The inhabitants generally manifest great solicitude for a form of Government, and the merchants of this City in particular, await with great anxiety some commercial provisions.[123]

I believe a decided majority of the inhabitants continue well disposed to the Government of the United States; but there is certainly a strong party here fixed in their attachments and devoted to the interests of France. The emigration from the French West-India islands is considerable, a vessel is now in the river with about one hundred French Citizens on board, and a ship is known to have sailed from *Jamaica* for New-Orleans, with several hundred Frenchmen who were refused an Asylum in that island. I do not think that these are the best description of settlers for Louisiana, but if they seek a residence here, it can not I suppose be refused them.

In a former letter I named to you that an impression was received in some circles that Louisiana would revert to France, on the conclusion of the present European war; this opinion still prevails, and it has acquired additional currency, by a remark which M. Laussat is said lately to have made, that "the harvests of Louisiana were not yet secured to the United States." I do not know that this remark is properly attributed to M. Laussat, but it is so reported upon the authority of a man of some respectability.

[123] Claiborne's letter of March 31, 1804, to Madison notes the receipt of laws governing the commerce of Louisiana.

I should not regret M. Laussat's departure from Louisiana. He feels some chagrin at the loss of his Prefectorial authority, and manifests a disposition to interfere in the interior police of the Province. While he remains among us, his councils will be solicited and pursued by many of the Citizens, and I doubt much whether on all occasions these councils would be consistent with the interest of the United States. M. Laussat possesses handsome talents, and in private life is an agreeable man; but as a public character I am not one of his admirers. He is always intemperate, and often assuming; relying with confidence upon the infallibility of his own sentiments, he pays no respect to the opinions of others, when opposed to his. The Spanish Commissioners and M. Laussat were early at variance, and the American Commissioners have of late, found it impossible to preserve a perfect good understanding with him unless they would yield on all occasions to his wishes, which could not be done consistently with their own duty.

Accept assurances of my great respect and high consideration WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "February 6, 1804, Wm C. C. Claiborne to Secretary of State."]

VIII. LETTER OF CLAIBORNE TO MADISON, FEBRUARY 13, 1804

New-Orleans, February 13th, 1804.

SIR: I continue without any advices from the Department of State, since my arrival in this city.

Two mails from the Seat of Governments are now

due. The failure is attributed to the high waters in the wilderness between Natchez and Nashville: Mr. Granger[124] has made great improvements in the post-establishment, and greatly accelerated the passage of the mails, but as it is impossible for him to controul the elements, we must at this season of the year, expect occasional interruptions. The State of things in this City, remains as they were, at the date of my last letter. The Spanish and French forces are still here; preparations for an evacuation are making, but they progress slowly. The Archives and Documents recognized in the Treaty are not all delivered, but they are promised in a few days.[125]

The Merchants of New-Orleans are becoming extremely impatient for some commercial regulations, and the anxiety of the people generally for some Permanent Government greatly increases.

I had supposed, that the establishment of the temporary Court of Pleas for the City of New-Orleans, would have reconciled the people to a suspension of the Functions of the Governor's Court; but I find myself so pressed by parties litigants, that I am compelled to exercise Judicial power. The day after tomorrow, I propose holding a special Court, and shall set apart one day in every week for the hearing and deciding of Causes until the provisions of Congress for some fixed Government shall relieve me from this painful duty.

[124] Gideon Granger was postmaster general from 1801-1814.

[125] The greater part of the archives of Louisiana were transferred to Havana, whence some two thousand bundles treating largely of the Floridas and Louisianas were removed to the Archivo de Indias, in Seville. These documents have unfortunately received no attention until the last few years. The first investigations carried on with them was by Professor William R. Shepherd of Columbia University. Many of the documents are falling apart, and much of their contents must be lost unless they be speedily classified and transcribed.

The population of Louisiana will probably advance with rapidity. Every boat from the western country and every vessel from the Atlantic States bring hither adventurers; among them are many valuable emigrants, but there are others of desperate fortunes, and well calculated to increase the dissipation which fostered is in New-Orleans and pervades (more or less) the whole Province.

'I appointed a few days ago a Mr. Mendez, who had been represented to me, an honest capable man, Civil Commandant of a district about six leagues below New-Orleans. This district is inhabited principally by an humble, poor, indolent, ignorant people, emigrants from the Canary Islands, who idolize their priests, and feel little attachment for any one else. Mr. Mendez altho' a Catholic is said to be of Jewish extraction, and on this account (and for other reasons unknown to me) is by no means a favorite with his neighbors, who manifested disquietude at his appointment; and a few were imprudent enough to talk of not recognizing him as their Commandant. This affair was represented to me as an alarming event, and strong measures on my part were advised. In pursuance however of that conciliating policy which I have adopted, I sent for some influential characters of the District, and on this day had an audience with them; they professed attachment for the Government of the United States, respect for its officers, and a determination to be obedient to the laws; but as well for themselves as their neighbors, they intreated me to nominate for them another Commandant: I determined to grant their request, and they have returned to their homes apparently well pleased.

I have given you these particulars, since this transaction has been greatly misrepresented here, and should it

reach (by way of report) the City of Washington, the exaggeration will probably be great.

Accept assurances of my high and respectful consideration WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

IX. LETTER OF CLAIBORNE TO MADISON, FEBRUARY 18, 1804

New-Orleans, February 18th, 1804.

SIR: Since my letter of this morning the northern mail, has arrived, but brought me no dispatches from the Department of State.

The merchants of this City are very much discontented with their present Situation; it was generally expected that the mail would have brought on the revenue act for Louisiana, and in consequence of the disappointment, an influential man here, was heard to say, that "in all Governments there was favoritism and favoritism was like a fire when near it, you felt its warmth; that Louisiana was too distant from the seat of Government, for her interests to be attended to." Such a Sentiment as this, will at all times be improper, but at this particular period, it was highly imprudent; I have reprobated the suggestion, and will continue to do so whenever the occasion shall offer.

A gentleman from Natchez just arrived in this City, tells me, that my letter to Major Claiborne a copy of which was inclosed you in my communication of this morning, has excited in Natchez and its vicinity, a terrible clamour against me. These Speculators are so void of virtue that I well know they will resort to every expedient short of assassination of my person to injure

me. At the head of these Speculators is a certain Lyman Hardin, a Lawyer, a violent federal partizan, and a man of some talents and great intrigue. This man has petitioned the President to supersede me as Governor of the Mississippi Territory, but I learn he is not likely to obtain a numerous subscription.

Accept assurances of my high and respectful consideration, WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "February 18, 1804, later, W. C. C. Claiborne to Sec. State."]

X. LETTER OF CLAIBORNE TO MADISON, MARCH 1, 1804

New-Orleans, March 1st, 1804.

SIR: Having understood that there were several Parishes or Districts in Louisiana, where former Commandants had declined acting under the American Government; that the inhabitants were becoming discontented and in some instances that disorders had ensued; I deemed it advisable immediately to appoint the necessary Civil officers, and by some verbal communications to endeavor to impress the minds of the Citizens favorably, towards the Change of Government. My acquaintance with characters being too limited, to enable me promptly to take the first measure, and my necessary presence in this City, preventing me from executing (in person) the *other*, I solicited Doctor John Watkins to proceed on a mission to these Districts, and which he was pleased to undertake.[126]

Doctor Watkins was formerly of Kentucky, but hav-

[126] See the report of Watkins's mission.

ing married a lady of this Province, has settled in this City; he is perfect master of the French and Spanish languages, possesses good general information and supports the character of a very honest man.

The enclosure No. 1, is a copy of Doctor Watkins's Instructions, that No. 2, of his Credentials, and the enclosure No. 3 of the Doctor's Report; to this latter document, I beg leave particularly to refer you. It states the wishes of the people on several subjects highly interesting to Louisiana, and which will no doubt receive the attention of the General Government.

With respect to the importation of Slaves from Africa, which is mentioned in the report, I think it my duty to State, that on this Subject, the people generally appear to feel a lively interest, and the prevailing opinion expressed here is, that a prohibition would tend greatly to the injury of the Province. I believe also that the Solicitude of the people on the coast for a Delegate to Congress (which Doctor Watkins mentions) is not greater than that of the Citizens of New-Orleans; perhaps in the formation of a Government for Louisiana, Congress may make provision for a Delegate and extend to him like privilege with those enjoyed by Delegates from other Territories. Such a provision would certainly give general satisfaction here, and I hope Congress may deem it advisable.

Accept assurances of my respectful Consideration,

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "March 1, 1804, Wm C. C. Claiborne."]

XI. LETTER OF CLAIBORNE TO MADISON, MARCH 2, 1804

New-Orleans, March 2, 1804.

SIR: The northern mail arrived on last evening, but brought me no official letters from the Seat of Government.

Perfect tranquillity continues to prevail here, but really the burdens of the temporary Government are at present peculiarly hard upon me; and are becoming more so every day.

I am compelled to exercise more authority than I had contemplated. I fear my Decrees or rather Ordinances will present a novel appearance at the Seat of Government and I can assure you, I venture on this species of legislation with reluctance, and only in cases, where the interests of the Society is involved, and the wishes of the people invite me to act.

On my first arrival in this City, the Solicitude of the inhabitants for some tribunals of Justice appeared to be universal, and the general complaint was, that no debts could be recovered. I immediately organized an Inferior Tribunal and all parties seemed pleased with the institution. Debtors however have recently complained of the zeal and promptitude with which the Justices discharge their duties, and beg that some delay in the hearing and determining Causes may be prescribed: I have endeavored to accomodate debtors on this point, in prescribing certain Rules of proceeding for the Court, which will produce in part the delay solicited.

From the great variety of characters which are in New-Orleans; from several attempts which have been made to fire the City, and from several robberies which have occurred – I have been induced to direct a strict

watch at night, for the purpose of securing the City from *fire*, and the designs of evil disposed persons.

I am Sir, very respectfully, your most obed^{t} serv^{t}

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "March 2, 1804, Wm C. C. Claiborne."]

XII. LETTER OF CLAIBORNE TO MADISON, MARCH 9, 1804

New-Orleans, March 9th, 1804.

SIR: The former Spanish Secretary for this Province Don André [Armesto] waited upon me this morning, and said that two vessels were now taking in the military Stores of his Catholic Majesty and that between the 15th and 20th instant the troops, arms, etc. of Spain will all be embarked for Pensacola.

In a letter also received on this morning from the French Commissioner, we are informed that the Archives, etc., will all be delivered in a few days, and he assures us of his great desire speedily to conclude the business of the Commission.

The public order of this City is still preserved, and there is every prospect of continuing tranquillity. The merchants of this city, manifest great impatience for the arrival of the Revenue System for Louisiana; they as well as the planters complain heavily of the duties on exports: and the want of Registers for vessels now in this port claimed by Citizens of Louisiana is spoken of as a serious injury to the mercantile interest.

I have omitted no occasion to impress upon the citizens the absolute necessity there was, in well considering the laws for the government of Louisiana and to assure

them, that a regard for their welfare, and the great solicitude of the Government that their acts should approach as near perfection as possible had alone occasioned the delay; with reflecting men, no blame attaches to the Government, but where interest is connected with a measure, it is unnatural to man to be impatient for its completion. I find, however, that the best way of keeping the citizens reconciled to the present temporary government, is to keep their minds employed at home, and to manifest on my part, a sincere disposition to amend the general police, and to make such legislative provisions as their local interests may require; hence I have of late passed several local ordinances; copies of which shall be transmitted to you.[127]

The Citizens of New-Orleans have expressed uncommon solicitude for a Bank, and a petition to me, on the subject, has been presented, signed by, I believe, almost every respectable man in the city and its vicinity. I am inclined to indulge the people on this occasion; the Bank would be so pleasing, and so much engross the public attention, that if Congress should permit the Province to remain in its present situation for months, it seems to me, the Citizens would not be disposed to complain. I at first had some doubts as to my power to grant a Charter; but I find that under the former Government, the Governor had authority "to pass all Ordinances for the improvement of the Province;" a Bank might tend to the advancement of the commercial and agricultural interest, and consequently to the improve-

[127] These included besides the matter of the bank (see note 128) an ordinance (published March 16, 1804, in a supplement to the *Union, New Orleans Advertiser, & Price Current*, of March 16, 1804) providing for attorneys and counsellors at law; and one providing for pilots and pilotage in the Mississippi. The latter prescribes the style of vessel; while several boats are to be stationed at Balise, and the channel is to be marked.

ment of the Province. I must confess, Sir, I shall feel some inquietude in sanctioning this Bank establishment, but I am pressed on the occasion by the applications of the people, and under existing circumstances, it seems to me, my duty requires that every thing in my power should be done to conciliate general confidence.[128] In the exercise of my discretionary powers, I have great cause to fear that through want of judgment I shall commit many errors; but believe me, Sir, I shall do nothing, but with honest intentions, and a sincere desire to promote the interest of my country.

Accept assurances of Respect and esteem!

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Governor Claiborne, 9 March, 1804 recd., 11 April, creation of a bank."]

XIII. LETTER OF CLAIBORNE TO MADISON, MARCH 10, 1804

New-Orleans, March 10th, 1804.

SIR: In a paper which was received by the last mail from the Seat of Government, it was stated that a law had passed the Senate prohibiting the foreign importa-

[128] The ordinance creating the bank (March 12, 1804) was published in a supplement to the *Union, New Orleans Advertiser & Price Current* of March 16, 1804. Capital stock was not to exceed $600,000, and was to be divided into 1,000 shares. The institution was to be known as the "Bank of Louisiana" and was to have fifteen directors. Votes of stockholders were to be in proportion to the number of shares held, five shares and not more than nine, entitling the possessor to two votes. Above this the number of votes was arbitrarily fixed. The ordinance provides for failure of subscribers to pay for their shares, quorums at business meetings of the directors, the payment of bills and notes issued by the bank, increase of the capital stock, the legal business of the bank, and the time the charter is to run (fifteen years). This bank charter, as appears from Claiborne's letter to Madison, May 30, 1804, was severely condemned by the secretary of the treasury.

tion of Slaves into this Province. This intelligence has occasioned great agitation in this city and in the adjacent settlements.

The African trade has hitherto been lucrative, and the farmers are desirous of increasing the number of their Slaves. The prohibiting the importation of Negroes therefore, is viewed here as a serious blow at the commercial and agricultural interest of the Province.

The admission of Negroes into the State of South Carolina has served to increase the discontent here. The Citizens generally can not be made to understand the present power of the State Authorities with regard to the importation of persons; they suppose that Congress must connive at the importation into South Carolina, and many will be made to believe, that it is done with a view to make South Carolina the sole importer for Louisiana.

An adventurer of the name of Tupper, a native of Boston (and if report be true of little respectability), who arrived in this City from France about three weeks ago, taking advantage of the agitation of the public mind has proposed a meeting of the people on Monday next, in order to state their grievances to Congress, and to elect an Agent to be the bearer of their memorial. This Mr. Tupper (it is said) is solicitous to be the Agent, and therefore he invites the meeting. I have, however, taken measures to impress the better part of Society with an opinion, that at this particular period, the proceeding was wrong, and I believe but few (if any) respectable Citizens will attend the meeting. In the present unsettled state of things, public assemblages of the people might lead to riot and disorder. The public mind here may easily be inflamed and when the inhabitants are put in motion it would be difficult to restrain them from

outrage. The success which this man Tupper has met with, is a strong proof of the mischief a designing unprincipled man may do in Louisiana. The prohibition of the African trade, the continuation of the export duties, the want of Registers for vessels, and the delay in extending to the Louisianians like privileges with those enjoyed by Citizens of the United States, have been the themes of discussion with this adventurer. I hope however, his designs will be counteracted, and that the quiet of the City will remain uninterrupted. I must confess, Sir, I apprehend more trouble from some imprudent Americans who are here, than from any of the natives.[129]

[129] In a long letter of March 16, 1804, Claiborne describes the meeting called by Tupper. It was largely attended by merchants and farmers, but by few Americans. The mayor, Étienne Boré presided over the meeting and presented the following resolution:

"That this assembly take the necessary measure to send on a Commissioner or Commissioners to the Government of the United States to represent the grievances of Louisiana, but especially the desire of the inhabitants for the continuation of the Slave-trade, and their great solicitude for speedy relief from their present commercial embarrassments."

A sugar planter proposed:

"That the Assembly authorize the Commandants of the different Districts to call the inhabitants thereof together for the purpose of electing deputies to convene in this City with all possible dispatch; (the number of delegates from each District, and from the city was specified) – those deputies to have authority to elect two of their body as Commissioners to Congress, and also a permanent committee whose duty should be to give instructions from time to time to the Commissioners, more particularly upon the subject of the Slave-trade and the present commercial embarrassments; and that the Governor of Louisiana be requested to use his influence in support of these measures."

Tupper sanctioned the sending of two commissioners though he had considered one sufficient. He spoke at length of the burdens under which Louisiana suffered, especially by the suppression of the slave trade, although his remarks were somewhat ill received. Dr. Watkins also spoke to the question, advising temperance. He disapproved the resolution of the planter Detryon, and proposed in its place:

"That a committee of three should be appointed to draft a memorial to Congress, to be reported to their next meeting and that after being signed by such gentlemen, as should approve its contents, it be transmitted to the Governor, with a request that he would forward the same to the General Government."

This resolution was carried unanimously, and the committee was accordingly appointed. Speaking of the slave trade, Claiborne observes that any action of Congress suppressing it would be ill received. The letter concludes with a

My former Congressional acquaintance, Edward Livingston,[130] is now in New-Orleans, and has acquired considerable influence among the inhabitants; he manifests the best dispositions toward the Government, and a desire to render my administration pleasing, and the present state of things acceptable to the people.

Accept assurances of my great respect and esteem.

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Governor Claiborne, 10 March, 1804, recd., 11 April, discontinuance of the slave trade."]

XIV. LETTER OF CLAIBORNE TO MADISON, MARCH 24, 1804

New-Orleans, 24 March, 1804.

SIR: I have received your letter of the 20th ultimo, and which is the only communication from you, that has reached me since my arrival here, and even this was not permitted to pass without being perused by some abandoned person, for the Seal was broken, when it was handed me. It will indeed be a difficult task to discover where the abuses in the Post Department are committed, but they of late have been so great, that I consider the conveyance by post from this City to Washington as very precarious and unsafe. If my communications have reached you regularly there has been no event of any importance in this province, of which you are not advised, and at present I have only to add, that perfect

contemplated charivari to be given by the young men of the city to an aged and wealthy widow who had recently married a young man.

[130] The brother of Chancellor Livingston. He was a man of weight in the affairs of Louisiana, and always stood on the side of the Louisianians. He had been mayor of New York City and later was district attorney.

good order and tranquillity prevail in New Orleans, and as far as I can learn throughout the province.

The law relating to the Commerce and navigation of Louisiana, has not yet been received by me, nor are its contents known here: its arrival is awaited with great anxiety, and I persuade myself that the provisions of the law will be satisfactory.

The Spanish forces are not yet withdrawn, and we are still deprived of the use of the public Stores and a part of the barracks: M. Laussat has from time to time been intreated to enforce an observance of the Treaty relative to an evacuation, and we have as often been assured, that the Spaniards were making preparations for a departure – these preparations are still continued, but they progress infinitely too slow, to suit the interest of the United States.

M. Laussat proposes to leave this City in a very few days, but I know not the place of his destination. I shall indeed rejoice when all the foreign agents and their dependants are gone. The Government may then be easily administered, and the preservation of good order will be attended with no difficulty.

General Wilkinson is still here, and I believe will not depart until the Spanish troops are withdrawn and the public buildings delivered; when this will happen, I can not certainly say, but if there is any confidence to be given to the Spanish Officers, a final evacuation will take place in a few days.

Accept assurances of my great respect and high consideration. WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

XV. LETTER OF CLAIBORNE TO MADISON, MAY 8, 1804

New Orleans, 8 May, 1804.

SIR: The enclosed proclamation of the Captain General of Cuba, was transmitted to me, yesterday by the Marquis of Casa Calvo, who has often expressed to me the desire of his Catholic Majesty to observe the Strictest neutrality during the present war.[131]

The emigration from the West Indies to Louisiana continues great; few vessels arrive from that quarter, but are crowded with passengers, and among them, many slaves. I am inclined to think that, previous to the 1st of October thousands of African negroes will be imported into this province; for the Citizens seem impressed with an opinion that, a great, very great supply of slaves is essential to the prosperity of Louisiana. Hence, Sir, you may conclude that the prohibition as to the importation, subsequent to the 1st of October is a source of some discontent; Nay Sir, it is at present a cause of much clamor, but I indulge a hope, that the Louisianians will very soon see the justice and policy of the measure.

In a former letter I stated that some repairs to the "Governor's House" were much wanting; perhaps twelve or fifteen hundred dollars would effect all the repairs necessary to preserve it from decay; but the expenditure of about six hundred dollars would make the house comfortable.

Accept, Sir, assurances of my great respect and esteem WILLIAM C. C. CLAIBORNE.

[131] This proclamation is enclosed in the letter and bears date, Havana, March 13, 1804.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Governor Claiborne, 8 May, 1804, rec^d., 14 June. Repairs of the Govern^t House."]

XVI. LETTER OF CLAIBORNE TO MADISON, MAY 10, 1804

New Orleans, 10 May, 1804.

SIR: Your letter of the 9th ultimo, together with its enclosures, I have this moment received and beg you to be assured of my faithful attention thereto.

The Spanish Commissioners the Marquis of Casa Calvo, the late Governor Salcedo, and the Intendant Morales are yet here; the Marquis contemplates a long residence; Salcedo is making preparations to retire to the Canaries and Morales says, he will leave the province, so soon as the State of the business in his department will permit.[132]

I will endeavor to obtain copies of the Records you solicit;[133] they are not among the papers, etc., surrendered to the Commissioners, but may probably be found

[132] Claiborne's letter to Madison, May 13, 1804, states that, in addition to these officials,

"The late secretary of the province, the Auditore, Contadore and twelve or fifteen officers of the Spanish Army, together with one company of Dragoons, and a small detachment of Spanish infantry have not yet removed from New Orleans. The Marquis (with whom I am in habits of friendly intercourse) informed me on yesterday, that the Dragoons would proceed to Mexico in a few days. With respect to the officers whom I have enumerated I think it probable, the greater part of them will pass the summer here. The Marquis (as I heretofore informed you) is appointed a Commissioner of limits, and contemplates, I understand, a residence in this city, until he receives further instructions from his Court."

[133] A penciled memorandum on the letter states that the records requested by Madison were the treaty of Fontainbleau ceding Louisiana to Spain, and the Spanish act of acceptance, both recorded at New Orleans.

among the Archives of the Municipality, and if so shall be immediately transmitted to you.

I am, Sir, very respectfully, your obd^{t} Servt

WILLIAM C. C. CLAIBORNE.

P.S. I have taken the liberty to enclose under cover to you, two letters to the Spanish Minister, which I am solicited to forward by the Marquis de Casa Calvo.

W. C. C. C.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "W. C. C. Claiborne, 10 May, 1804, recd, 12 June."]

XVII. LETTER OF CLAIBORNE TO MADISON, MAY 29, 1804

New-Orleans, 29 May, 1804.

SIR: In the District of Atakapas a very great dispute has arisen between two Priests. A man of the name of Barrier was superseded by M. Laussat, and a priest of the name of Veal named his successor.

Lately the Head of the Catholic Church in Louisiana, a Mr. Welsh, recalled Veal, declared his powers under M. Laussat nul and reinstated Barrier.

A few Sundays since, the rival priests appeared at the Church attended by their different Partizans who were numerous and very much inflamed.

Lieutenant Hopkins, the Civil Commandant of the District, apprehending that the public peace was endangered, took upon himself to shut the doors of the Church, and deny entrance to either party until the matter was reported to me, and my instructions received.

This expedient preserved the public peace, and was, I learn, very pleasing to all parties.

I have referred the affair to the Rev^d Mr. Welsh, the head of the Catholic Church in Louisiana, and addressed to Lieut. Hopkins a letter of which the enclosed No. 1 is a copy.[134] . .

I am, Sir, with great respect, your h^ble serv^t,

WILLIAM C. C. CLAIBORNE.

[Endorsed: "Govr Claiborne, 29 May, 1804; rec^d, 5 July – Dispute of the Priests at Atacapas."]

[The letter to Lieutenant Hopkins mentioned above is as follows:]

New-Orleans, 29 May, 1804.

SIR: Your letter of the 20th instant has been duly received. Every Citizen of Louisiana will be protected in the Religion of his choice, and is at liberty to worship Almighty God, in such manner as his conscience shall dictate; but when it unfortunately happens that the house of God is converted into a temple of discord, and the professors of Christianity, so far deviate from the mild precepts of their Heavenly Master, as to become the Sons of Riot, the civil authority must so far interfere as to take measures to preserve the public peace; but in such interference the greatest moderation should be observed, and every thing done to conciliate the public mind and restore harmony to the Society.

Your late conduct in shutting the Church of your District seems to have been directed by a sound discretion, and was certainly a prudent measure; you have therefore my entire approbation.

The whole affair is now before the Rev^d Mr. Welsh, the head of the Catholic Church in Louisiana, and from

[134] See note 142.

his good intentions and timely mediation, I persuade myself the dispute will be promptly and amicably settled. In the mean time, and until you hear further from me on the Subject, you will retain in your possession the keys of the Church.

I am, Sir, very respectfully, your Obd^{t} Servt

(Signed) WM. C. C. CLAIBORNE.

[Addressed: "Mr. Henry Hopkins, Commandant of Atakapas and Opelousas."]

XVIII. FROM A LETTER OF JULY 5, 1804

New Orleans, 5 July, 1804.

SIR: The birthday of our Country was passed here, in great harmony and hilarity:

High-mass was celebrated at the Cathedral Church, at seven in the morning and a prayer offered for the Continuance of the happiness and prosperity of the United States. Two appropriate orations the one in the American, the other in the French language were delivered at the Hotel de Ville to a very crowded audience, and the orators (Doctor Watkins and M. Derbigny)[135] received great and general plaudits: the regular army and the [New] Orleans volunteers paraded, and performed various military evolutions very much to the gratification of a numerous assemblage of citizens. Between eleven and two o'clock, the Governor received congratulatory visits from the Magistrates of the City, the Marquis of Casa Calvo and his Suit, the officers of the Regular Troops and of the Militia, the Revd Clergy and a number of private Citizens.

[135] Pierre Derbigny was one of the delegates chosen to present the famous memorial of the Louisianians to Congress in 1804. He occupied several important offices under the American government. See: Gayarré. *History*, vol. iv, 109, *et seq.*

Throughout the day every thing wore the appearance of patriotism and Contentment.

The City Militia are not yet organized; but the officers have been appointed, and with a view to conciliate the public sentiment I determined to present (through the officers) the City Militia with a Standard on this day. This intention having previously been notified to Colonel Bellechasse, he requested that the Ceremony might take place in the Church, in order that after the Flag was presented, it might receive a benediction as is customary among Catholics. To this arrangement I assented, and the presentation in the Church and subsequent benediction has rendered the Flag peculiarly dear to the Militia. I trust that in this proceeding there has been nothing improper. I thought it was prudent on my part to conform to the religious customs of the people, or in other words to present the Standard in the Church, in order that Colonel Bellechasse into whose hands it was placed, might more conveniently obtain the blessing.

With respect and esteem, I am, Sir, your most obd^{t} serv^{t}, WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

XIX. LETTER FROM CLAIBORNE TO MADISON, OCTOBER 16, 1804

New-Orleans, Octr 16th, 1804.

SIR: I return'd to this City on this Morning, and find my health much benefited from my late, tho short, Excursion into the Country. The sugar crops are very promising, and the Labour of the planter, will be rewarded abundantly. The Citizens, whom I visited, ap-

pear'd to enjoy Health and Contentment, and I was well pleas'd with their friendly Hospitality. I also observ'd with pleasure, the Humanity of several Planters, who, by detaining at their Houses, some Americans destin'd for this City, have probably rescued them from sudden Death!

The fever still exists, but it has greatly abated, and I trust will, in a few days entirely disappear.

The enclos'd political Pamphlet, is circulating in this Territory;[136] it is written with Ingenuity, and is, cer-

[136] There was much complaint of Claiborne. A "Louisianian" writing of political and civil conditions of Louisiana in 1804 (*Esquisse de la Louisiane*) declares that Claiborne was totally ignorant of all matters connected with the territory – inhabitants, language, and laws. His administration was one of confusion. His introduction of the English system of jurisprudence, as followed in the United States, was unpopular. The writer complains of his partiality for Americans in making appointments. His organization of the militia, and his attempt to introduce the English language were especially displeasing. The Spanish government had been unmeasurably more indulgent than the American. The English language is destined to be the chief language of the future, but it can become so only gradually. Men should not be appointed to office who know no French. Justice is in the hands of one single man, although Claiborne has appointed an honest and moderate man to this position. Complaint is made of the lawyers who have swarmed into Louisiana, some of whom plead in French and some in English. A tariff has been established without the act of Congress treating thereof being published in French. A memorial to Congress has been drawn up for the inhabitants by Edward Livingston. Above all, the Americans are insolent.

The complaints of the Louisianians are also embodied in a pamphlet entitled *Reflections on the cause of the Louisianians*, by their agents, which was probably published in 1804. "The abrupt change of all the forms to which they had been accustomed during so many years," new rules, new laws, that were not published, the mingling of old and new law forms, an administrator totally unacquainted with the country, and above all, a new language, were all borne patiently in the hopes that a free government would result. The various opinions respecting the claims of the Louisianians are skillfully drawn up:

"1st. Those of persons unwilling to let them argue on the third article of the treaty of cession of their country, because they were no party to it. 2d. Those who think that the treaty of cession does not provide for their admission into the Union, except at some future period to be determined by the United States. 3d. Those who, at the same time they acknowledge that the stipulation of the treaty entitles them to be incorporated into the Union without any other delay than the necessary preparations, think it unsafe for the interest of the United States to admit Louisiana immediately as a member of the federation."

The hopes of the people for prompt statehood are well expressed, and their

tainly, well calculated to encrease the existing discontent. That a part of the statements in this pamphlet are true, I will readily admit; but on some Occasions, the Writer has manifested an Ignorance of facts, or a great want of Candour.

The Writer is not correct in stating, that native Americans enjoy'd all the lucrative Employments under my late Administration; I, at present, recollect but six Officers of that Description: M. Derbegney (late Interpreter of the Government) was appointed Clerk to the Court of pleas; Mr. Lewis Herr, Sheriff for the City, and two ancient and two modern Louisianians, Notaries public; but with respect to Offices of Honor and Trust not lucrative, the ancient Louisianians have enjoy'd a very great proportion; I do not believe that a single modern Louisianian (except those of the volunteer Corps), hold an Appointment in the Militia; and among the Officers of the volunteer Corps, there are several ancient Louisianians, and one of them is the Major commanding.

The Mayor of the City,[137] and a Majority of the Municipality, are ancient Louisianians, and all the Members (except one) speak French correctly. An equal number of the Court of pleas, are ancient Louisianians, and every member (except one) is suppos'd to be well vers'd in the French Language. The national Language of

right to it and capacity for it. The third clause of the treaty guarantees it to them, but they are being ground down under a harsh despotism. Although more than a year since the cession, no steps toward statehood have been taken.

[137] The noted planter Étienne Boré. On February 10, 1804, he addressed a long letter to Jefferson on Louisiana matters. The Louisianians are impatiently awaiting the resolutions of Congress in regard to the internal organization of the territory. He complains of the recent troubles of the dance hall, which were partially due to the officials. The governor should know both French and English. A constitution is earnestly requested.

the Clerk of that Court, is French, and I believe his precepts, were generally issued in his native Language.

Among the various District Commandants, I at present recollect but three native Americans, and I may add, that two of four Aids du Camp, who, in my Character as Commander in Chief of the Militia, I have appointed, are ancient Louisianians.

I cou'd make further details on this Subject, but I deem it unnecessary. If I have discover'd partiality in appointing to Office, it has been in favor of the ancient Louisianians, and I believe candid Men will acknowledge the fact.

But the writer has taken great Exception to the formation of the Volunteer Corps; perhaps it may not be unnecessary to make one or two Observations upon that Subject–previous to my Arrival in New-Orleans, the Citizens of the United States, residing in the City, associated for the purpose of assisting in the preservation of Order, had offer'd their services as a Volunteer Corps, to Mr. Laussat, and of which he readily accepted: when the Flag of their Country was unfurled, and Louisiana declar'd a part of the United States, their services (as might have been expected) were again offer'd, and that Governor, who had rejected the patriotic Offer, wou'd have acted unworthily. Several Companies were form'd, and I have understood, that some of the ancient Militia were enroll'd in the new Corps: but the Command of the Battalion, was given by me, to an ancient Louisianian. Did this evidence an improper partiality for native Americans?

There were then also existing Circumstances, which highly evinc'd the Expediency of organising the Volunteer Corps: but it is not necessary to state them. I

recollect with pleasure, that on this Occasion, my Conduct has been approv'd by the Executive.

With regard to the Body of the Militia, their Organization was delay'd by imperious circumstances: it however is now nearly completed, and I owe to Col° Bellchasse (the Officer commanding) many Obligations for his able Assistance in this troublesome Undertaking. As to the Flag presented to the Volunteers, if it excited the Jealousy of the old Corps, I presume that feeling has ceas'd; for on the 4th of July last to the City Regiment, was presented a very beautiful Pavilion, dissimilar from the first, only by its motto, that of the one, being the "Orleans Volunteers;" and of the other, "Orleans Militia."

I am charged with making unfortunate Innovations on the Spanish System of Jurisprudence, and with much of the Confusion which ensued. On my arrival in Louisiana I found a disorganis'd Government, and a dissatisfied People. The colonial prefect, had abolished, (with the Exception of the District Commandancies) all the former Spanish Tribunals. In lieu of the Cabildo, I found a Municipality, organis'd upon French principles, but compos'd of the most respectable Citizens of the province. The seals were put upon the different judicial offices, and no regular Judiciary [was] in Existence.

Had the *prefect* organis'd Tribunals of Justice, the Writer of the pamphlet, wou'd have been furnish'd with additional Ground, to eulogize *his Talents*; but if this had been done, perhaps the Organization wou'd have been upon French principles, and that, like the Municipality, the Tribunals wou'd not have known the Extent of their powers. But the formation of a Court System devolv'd upon the American Administration.

The Necessity for the Establishment, was obvious, and the Clamours of the people, wou'd not permit me to delay my Measures.

To have reviv'd the Spanish Tribunals, in their full extent, was impossible; to have done so, in a partial manner, it wou'd have been necessary to have abolish'd the Municipality, and reinstated the Cabildo; for, between that Body, and the Judiciary, there was an intimate Connection; they elected annually two persons, as first and second Alcades [*sic*] for the City, and these judicial Officers, were ex-officio, members of the Cabildo, and, in the Absence of the Governor presided at its Meetings.

The Destruction of the Municipality, wou'd have given umbrage to many of the Louisianians; it wou'd, no doubt, have been gratifying to the Spanish Commissioners, and their Friends; but wou'd certainly, have mortified the Colonial Prefect, and all those who approv'd his Measures; and here let me add, that at the moment of taking possession of this province, the friendly Disposition of the prefect, was suppos'd to be of Importance to the Interest of my Country.

I determined therefore to recognise the Authorities and Laws, as I found them, and to make such further arrangements for the Good of the province, as might hereafter suggest themselves to my own Mind, or might be suggested by others, and which my Judg'ment shou'd approve.

The treaty had destined Louisiana, at some future period, to be incorporated into the Union, and in the mean time, the Inhabitants were to be secur'd in their liberty, property and religion.

This Clause of the Treaty, render'd great Innovations, upon the Spanish Laws and Spanish Tribunals, absolutely necessary. The criminal System of Jurispru-

dence, cou'd not be preserv'd, for the Liberty of the Citizen, was not secur'd thereby: nor did I suppose, in the Civil Courts, there was as great security, for personal property, as I cou'd wish.

The better therefore, to comply with the Treaty, I determin'd to organise an inferior Court in the City of New-Orleans, upon principles, congenial to the wishes and Interest of the people, and somewhat similar to the Tribunals of the United States.

My Ordinance, however, upon that Subject, was not hastily adopted; the first Draft was submitted to the Consideration of the Municipality: they propos'd several Amendments, which were adopted, and the Ordinance, finally, passed in a Shape, which receiv'd, (as I understood) their entire approbation. The Municipality was also requested, to give me the names of such Citizens as were best calculated to act as Judges of the City Court; they recommended several Gentlemen and all were commission'd; I have since added other members to this Court, and my own Acquaintance with the Citizens, enabled me to make a selection. I believe the inferior Court, was for some time popular, but the Certainty and Expedition with which debts were recover'd, excited the Clamour of Debtors, and the great influx of American and French Lawyers, wearied (by their pleadings) the patience of the Court, and occasion'd the Disgust of some of the members.

The writer of the pamphlet has alluded to the Magnitude of my late judicial powers, and stated (what is very correct) my want of Information as to the Spanish Laws, and also of the French Language.

The Magnitude of these powers, was always a source of Uneasyness to me, and I refus'd to exercise judicial Authority, as long as the Interest of the people wou'd

permit. But New-Orleans is a great Commercial City; trade and Credit are inseparable; Debts were incurr'd – Contracts enter'd into, and Disputes between Merchants and others, daily arising. My favorite wish, to exercise but little judicial Authority, cou'd not be indulg'd, and I found myself compell'd to open a Supreme Court, and to preside therein, as the sole Judge.

I however tried but few original Causes. No Gentleman who attended the Governor's Court, but witness'd the Reluctance, with which I took Cognisance of suits, and the desire I manifested to postpone such, as cou'd safely be done, without injury to the parties. Although I will readily acknowledge my want of Information of Spanish Law, yet I profess to be acquainted with the Laws of Justice, and I verily believe, none of my decisions, are in violation thereof; but the writer of the pamphlet, has not attacked my probity as a Judge, and I feel a conscious Conviction, that in that Character the purity of my Conduct and Intentions, will never be question'd!

But it is objected, that the Supreme Court was not organiz'd upon Spanish principles: this was also impossible; an Officer call'd the Auditor, was formerly Council to the Governor: all cases of importance were submitted to him; he reported a statement of each case in writing together with his opinion thereon; if this Opinion was sanction'd by the Governor, the Auditor was responsible; but the Governor had Authority, upon his own Responsibility, to decree otherwise than was advis'd. The Auditor was appointed by the King, and was allow'd as liberal Compensation. It was not in my power, to have appointed such an Officer.

It is objected that the proceedings of the Supreme Court, were conducted in the English Language. This

(if indeed it shou'd be consider'd as improper) was unavoidable, as the Judge knew neither French nor Spanish; it certainly wou'd have been a great Convenience, to have been correctly acquainted with the French Language, but I do not suppose, that for want of such knowledge on my part, the people sustain'd any Injury.

When in Court, I had always an Interpreter of Talents by my side; and when in my office, I seldom was at a loss for an interpreter, and of late, my own Knowledge of the Language, has been sufficient to guard me, in some measure, against a misinterpretation or a misrepresentation of my sentiments. The writer of the Pamphlet, charges me with manifesting much Indifference, as to the admission into Louisiana of the Brigands, etc. This charge is as ungenerous, as it is unfounded. Upon this Subject I have taken every precaution in my power, and it has really been a source of great Anxiety and trouble. The Extract from my official Journal, accompanying this Letter, from page — to page — will acquaint you with various measures that have been taken, to prevent the Importation of dangerous Slaves. A few distressed French Families, who were exil'd from Jamaica, and sought an Asylum in Louisiana, were permitted to land their faithful Domestics, upon giving satisfactory proof, that they had not been concern'd in the Troubles of St. Domingo, and I have never understood, that this permission, which Humanity dictated, was disagreeable to the Louisianians. Not many weeks since, four or five English Gentlemen, emigrating to Louisiana, were also permitted to land their Domestics upon giving like Assurances, and entering into bonds, not to sell any of the Male Slaves above the Age of eighteen Years, for a limited period. It is not improbable, but some base Speculators, may have taken Advantage of these In-

dulgencies, and introduced dangerous Slaves; and it is also very probable (and it is so reported), that some Brigands may have escap'd the Vigilance of the Officers at the Balize and Plack'min, by a passage in the Night, or Concealment in the Holds of Vessels – but on this account, no blame shou'd attach to me – since, however, the first of October, the Act of Congress, in this particular, has given to the Citizens additional security.

To conciliate public Opinion, and to promote Harmony, have been my favorite Objects: but I have been less fortunate, than I had anticipated! Unfortunate Divisions, certainly exist in Louisiana; but the seeds of discontent, were sown, previous to my Arrival in the province, and they have deriv'd Nourishment from causes, which I cou'd neither controul or counteract.

The News-paper scribbling, which has excited so much sensibility, I have seen and sincerely regretted; but it does not devolve upon me, to correct the Licentiousness, of the press. Its Liberty I will never invade!

Perhaps there are some other Statements in the pamphlet, which I ought to notice; but I at present feel myself very unwell, and must therefore hasten to a Conclusion.

On taking a retrospective View of my late Administration, I can charge my Memory with no Act, that my Conscience and Judgment do not approve! It is, nevertheless probable, that I may have committed many Errors: for I was plac'd on a new Theatre, and had a part to perform, which I did not well understand. Amidst, however, many Difficulties, I have caus'd the Laws in Mercy (and I hope too), in Justice to be administer'd! Amidst a Contrariety of Interests, of prejudices, of Opinions, of Designs and Intrigues, the peace

of society has been maintain'd, and the Liberty, property, and Religion of the Citizen, protected.[138]

I pray you, Sir, to excuse this long Letter, and to receive Assurances of my great Respect and sincere Regard. WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Govr Claiborne, 16 Oct^r, 1804, rec^d, 22 Nov^r."]

XX. LETTER FROM CLAIBORNE TO MADISON, DECEMBER 31, 1804

New Orleans, December 31st, 1804.

SIR: I have never witnessed more good order, than at present pervades this City; and as far as I can learn the whole Territory. I discover also with great pleasure the existence of a friendly understanding between the Modern and the Ancient Louisianians. The Winter amusements have commenced for several Weeks; the two descriptions of Citizens meet frequently at the Theatre, Balls, and other places of Amusement, and pass their time in perfect harmony.

A great anxiety exists here to learn the fate of the Memorial to Congress.[139] The importation of Negroes

[138] Claiborne addressed another long letter to Madison, January 19, 1805, defending his administration. He describes conditions in New Orleans at the time when he took office, the factional feeling, and the continual obstructions placed in his way. Much of the opposition to him proceeds from Daniel Clark who had long been an inhabitant of New Orleans.

[139] This memorial was published in the Louisiana *Gazette* of July 24, 1804; *Mémoire présenté au Congrés des Etats-Unis d'Amerique par les habitants de la Louisiane* (New Orleans, 1804; in both French and English); and *Memorial presented by the inhabitants of Louisiana to the Congress of the United States, in Senate and House of Representatives convened* (translated from the French; sole copy acknowledged to be conformable to the original; Washington, 1804). It was read in the Senate, January 4, 1805. Claiborne's letter to Madison, July 1, 1804 contains an account of this memorial. The memorial was signed

continues to be a favorite object with the Louisianians, and I believe the privilege of electing one Branch of the Legislature would give very general satisfaction. Immediate admission into the Union is not expected by the reflecting part of Society, nor do I think there are many who would wish it. I find in some anonymous publications to the Northward, I have been represented as opposing the assemblage of the people to sign the memorial, and that on one occasion the Troops were called out in order to intimidate the Citizens.

These Statements are incorrect. I never did oppose the meeting of the People; but it is true, that in the then unsettled State of the Government, I saw with regret any manifestation of public discontent, and the more so, since I suspected there were many designing men among us,

by about one hundred and forty men. A letter from Claiborne, of July 3, notes that the "free people of colour," indignant at having no voice in the memorial, had held a meeting of their own, at which they had drawn up a memorial. The printer, to whom they sent it, however, refused to print it. The memorial, which is a masterly composition, recites the hopes of the inhabitants at the time of the transfer, but states the non-fulfilment of those hopes. They have submitted patiently to innovations and the imperfect working of the laws, and to the introduction of the English language, in the hopes that Congress would restore order from chaos. They object to the division of Louisiana into two territories, which is in violation of the treaty with France. By the laws providing for the government of the territory, they are to be placed under the despotic rule of a governor, who is ignorant of their language, and are to be deprived of all voice in the government. One year's residence is insufficient for election to the council. They indignantly reject the imputation that they are incapable of self government, because of their ignorance. Many are native citizens of the United States and have shared in its government. They are not turbulent: they love law and order. They object to the name Louisiana being given to that part of the territory north of the thirty-third degree. The prohibition of the slave trade is an injustice, and equal privilege to the rest of the territory of the United States is demanded. The errors of Congress, they believe arise from ignorance. The final petitions are: "We therefore, respectfully pray that so much of the law above mentioned as provides for the temporary government of this country, as divides it into two territories, and prohibits the importation of slaves be repealed. And that prompt and efficacious measures be taken to incorporate the inhabitants of Louisiana into the Union of the United States, and admit them to all the rights, privileges, and immunities of the citizens thereof. See, also: Gayarré. *History*, vol. iv, 58-66.

whose attachments were foreign, that might labour to give an improper direction to the public deliberations.

I remember to have been strongly urged to suppress by force the first meeting which took place in March last, and by some of those who are now great advocates of the Memorial. But I answered that "the people had a right peaceably to assemble together to remonstrate against grievances" and would not be prevented by me. In consequence several subsequent public meetings took place in this City, without experiencing interruption by me, or by my authority.

The Troops were under Arms on the first of July, and on that day there was a meeting of a part of the Memorialists. But the Parade was altogether accidental. It is usual to muster the Troops for inspection on the last day of every month. On the last day of June this regulation was prevented by Rain and the following day it took place. The Inspection and Muster were ordered by Colonel Freeman, and so little design was there in this Transaction, that neither Colonel Freeman or myself knew of the Meeting until after the Troops were dismissed.

I am not in the habit of noticing anonymous publications, nor do I suppose much weight is attached to them at the Seat of Government. But in this remote Territory, events are so apt to be misinterpreted, that I owe it to my own reputation to keep you advised almost of every occurrence.

I am Sir very respectfully, your H^ble^ S^t^

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Sec^y^ of State."]

[Endorsed: "Govr Claiborne, 31 Dec^r^, 1804, rec^d^, 21 Feb^y^."]

XXI. LETTER FROM CLAIBORNE TO MADISON, FEBRUARY 28, 1805

New Orleans, February 28th, 1805.

SIR: I have the honor to enclose you an act to incorporate the City of New Orleans.[140] The provision

[140] The act, a printed pamphlet of sixteen pages follows this letter. It consists of nineteen sections and is signed by J. Poydras, President of the Council, and approved February 17, 1805, by Claiborne. Section 1, settles the boundaries of the city:

"On the north by Lake Pontchartrain, from the mouth of Chef Menteur to the Bayau Petit Gouyou, which is about three leagues to the west of Fort St. John; on the west by the Bayau Petit Gouyou to the place where the upper line of the grant or concession formerly called St. Beine, and now called Mazange, passes; from thence along the line of the plantation of Foreel to the river Mississippi and across the same to the canal of Mr. Harang, and along the said canal to the Bayau Bois Piquant; from thence by a line drawn through the middle of the last mentioned Bayau, to lake Cataoucha and across the same to the Bayau Poupard, which falls into the lake Barrataria; on the south by the lake of Barrataria, from the Bayau of Poupard to the Bayau Villars; from thence along the Bayau Villars, to its junction with the Bayau of Barrataria; from thence ascending the Bayau Barrataria to the place where it joins the canal of Fazende, and continuing in the direction of the last mentioned canal to the Mississippi, and finally, on the east by ascending the Mississippi to the plantation of Rivier, and then along the canal of his present saw mill to the Bayau Depres, which leads to Lake Borgne, and from the point where the said last mentioned Bayau falls into the said Lake Borgne by a line along the middle of that lake to the mouth of Chef Menteur, and from thence to the lake Pontchartrain."

All the free white inhabitants form the body corporate, "by the name of the mayor, aldermen, and inhabitants of the City of New Orleans." The following matters are treated in the remaining sections: officers; governor to appoint mayor and recorder; citizens to elect aldermen; manner of election; aldermen to form a city council; council to divide into classes; council to appoint treasurer; council may pass by-laws; mayor may exercise a veto; illegal by-laws and ordinances forbidden; council authorized to levy a tax, to be used for regular city functions, such as care of streets, etc.; officers to be sworn; method of filling vacancies; election inspectors; qualifications of voters; duties of treasurer; mayor to have a seal; mayor to appoint officers; mayor may license taverns, drays, etc.; penalty for acting without license; fee for granting license; duties of mayor; aldermen to hold no other appointment under the corporation; all claims, debts, etc., now belonging to the city, vested in the corporation; ordinances of the Municipality continued in force; when powers of the Municipality to cease; boundaries of the several wards; duties of city council; mode of laying out streets, etc.; mode of extinguishing titles; payments for purchases and improvements, to be made from city funds. February 25, 1805, the municipality issued a call to the first election of aldermen (published in both Eng-

which allows the Citizens to elect aldermen is very popular. It will be the first time that the Louisianians ever enjoyed the right of Suffrage and I persuade myself they will on this occasion use it with discretion.

The news of War between England and Spain, and the opening of the Port of Havana to Neutral Vessels, have greatly benefited the commerce of this City. The Levee is crowded with Flour, salted Provisions, Red Wine, and Dry Goods destined for exportation. We have in Port a number of Vessels and it is probable all will readily acquire Freight.

I am, Sir, very respectfully your most ob^{t} H^{b} S^{t}

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Govr Claiborne, 28th Feb^{y}, 1805."]

XXII. LETTER FROM CLAIBORNE TO MADISON, MARCH 8, 1805

New Orleans, March 8th, 1805.

SIR: The last Election for City Aldermen was conducted with great order, but the apathy of the people on the occasion astonished me. But few voted, and none appeared interested as to the issue. I have appointed Mr. James Pitot, Mayor, and Doctor John Watkins,[141] Recorder of the City. The former is a French Gentleman of Talents and respectability who has resided here for many years. The Character of the Latter is known to you; I am sorry to loose his Services in the Legislative Council, but it was an object with me to confer the office of Recorder on a native Citizen of the

lish and French). In this proclamation, the wards of the city are defined. Two aldermen for each of the seven districts were to be elected.

[141] See the report by Watkins.

United States, and there was not one as well qualified as Doctor Watkins.

I am, Sir, with great respect and Sincere Esteem your most ob^{dt} H^{be} S^{t} WM. C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Govr Claiborne, 8 March, 1805."]

XXIII. LETTER FROM CLAIBORNE TO MADISON, MARCH 24, 1805

New Orleans, March 24th, 1805.

SIR: The *disposition* on the part of the Catholicks of this Territory (which I mentioned in my last letter) to assume the prerogative of electing their own Priests, is extending itself. On yesterday, I was informed by the Civil Commandant of the District of St. Bernard, that a Priest who had been superseded by the Vicar General, had assaulted his successor at the door of the Church, and expressed a wish to Submit his case to the people. The Commandant added that the dismissed Priest was exciting disorder in the District, and he apprehended a Serious Riot in the Church would ensue.

In consequence of this information, I addressed a Letter to Judge Prevost of which the enclosed is a copy. I have since heard, that the Judge had issued a Warrant against the Priest for a Breach of the Peace. I have taken occasion to mention to the Mayor of the City, and to several influential Men, that in any religious contest which might arise, the Government could not, and would not interfere, unless the public peace was disturbed. That the rights of conscience were sacred, and the people were at liberty to worship almighty God, in what manner they pleased. But that the Law which proclaimed

good order, would operate, and the Civil Magistrate must Act whenever the public peace was disturbed.[142]

I am, Sir, very Respectfully, your ob^{dt} S^{t}

WILLIAM C. C. CLAIBORNE.

[Addressed: "The Honble James Madison, Secty of State."]

[Endorsed: "Govr Claiborne, 24 March, 1805, Rec^{d}, 22 May.]

XXIV. LETTER FROM CLAIBORNE TO MADISON, MAY 16, 1806

New Orleans, May 16, 1806.

SIR: Mr. Graham, who visits the United States by permission of the President, will be enabled to satisfy your enquiries with respect to the state of things in this Territory. Mr. Graham departs with my regret, his attachment to the interest of his country, and his private virtues secured him my friendship; while his good sense and prudent conduct inspired a degree of confidence which the political connection between us has greatly increased.

[142] See Claiborne's letter of May 29, 1804. These ecclesiastical disturbances were of considerable magnitude and were waged with bitterness on both sides. Patrick Walsh, an Irish priest, who had served under Spanish authority had elected to remain in Louisiana after the transfer and had become provisional bishop or vicar general. His authority was contested by the Spanish Capuchin, Antonio de Sedella. Walsh was supported by Casa Calvo, while Sedella was supported by the French under the leadership of Col. Bellechasse. Claiborne, fearing that the publication of Walsh's pastoral address of March 27, 1805, would enflame the public mind, instructed (see his letter of March 31, 1805) the mayor to suppress it, but was unsuccessful. The address was answered by Bellechasse, who stated that Walsh was but a simple parish priest and not the vicar general. A printed reply was made to Bellechasse, on April 13, 1805, which asserted Walsh's rights. A letter from Walsh to Claiborne (July 11, 1805) touches the same matter. Walsh protests against the usurpation of Sedella, even though the latter has the popular support. Claiborne's letter of July 12 states that the government is unable to meddle in purely ecclesiastical matters. The episode is discussed by Gayarré in his *History*, vol. iv. See, also: Brown. *Short Letter*, 26-28, note 8.

The legislature of the Territory is still in Session. With the best intentions, such a contrariety of opinion prevails as to the means of promoting the Public Good, that hitherto nothing has been done; and I much doubt whether the result of their deliberations will meet either the wishes or interest of the People. The difference in language and the jealousy which exists between the ancient and modern Louisianians, are great Barriers to the introduction of that harmony and mutual confidence which I so much desire. This misfortune (for such I consider it) is seen and regretted; but a remedy can alone be found in those vicissitudes which time produces.

There are, no doubt, several minor causes of discontent in this quarter – but the most fruitful sources are – the introduction of the English language in our Courts of Justice – the judicial system generally, and particularly the trial by Jury – and the admission of Attorneys. The pride as well as the convenience of the Louisianians, are opposed to any innovation on their language: the trial by Jury is by many considered as odious – and the Lawyers as serious nuisances.[143] Designing men may labour to trace the dissatisfaction to the conduct of the Governor, and to attach much blame to the Executive authority; but such suggestions are more the effects of private malice and resentment, than the convictions of truth and reflection. I do not believe that I am a favorite with the people of the Territory. My duties may be discharged with fidelity – and my administration may nevertheless be unpopular. At the present period, no Executive officer can please all parties; and change the

[143] Speaking of the dissatisfaction with the lawyers, Claiborne says in his letter to the secretary of State, June 15, 1806:

"The conduct of the Lawyers in the interior Counties is a source of great discontent! They are said to be extravagant in their charges; to encourage litigation; and to speculate on the distresses of their Clients. I fear there is too much truth in this statement, but it is not in my power to apply a corrective."

chief magistrate tomorrow; nominate and commission the greatest and best man in the Nation, and the Society here will continue dissatisfied.

When our disputes with Spain are adjusted, and the citizens induced to think that their political destiny is fixed; when the English language is generally spoken; and a knowledge of the principles of the American Government diffused – then I shall be disappointed if the Louisianians should not be among the most zealous and virtuous members of our Republic; but, at the present crisis, and with the present population – disturbed as it is by the intrigues of adventurers – unprincipled adventurers from every country – it is not in the power of any man to put down distrust and dissatisfaction.

I have the honor to be, with great respect and esteem, your h^ble^ Servt WILLIAM C. C. CLAIBORNE.

[Addressed: "The Sec^y^ of State."]

[Endorsed: "Orleans, Govr, 16 May, 1806, Rec^d^, 18 June."]

CLAIBORNE AND WILKINSON
to Madison
Three letters, dated December 27, 1803, February 27, and March 11, 1804, New Orleans.

BIBLIOGRAPHY: All from the originals in the Department of State, Washington, Bureau of Rolls and Library, Territorial Papers, Orleans Territory.

I. LETTER FROM CLAIBORNE AND WILKINSON TO MADISON, DECEMBER 27, 1803

New Orleans, Decr 27, 1803.

SIR: Our letter of the twentieth instant informed you of the Delivery of Louisiana to the United States, and we now inclose an original Copy of the *Procis Verbal* or Minutes of the Transaction which was signed on the Occasion by the Commissioners of France and of the United States.[144] The Barracks, Magazines, Hospital and publick Storehouses in this City, yet remain in the Occupancy of the Spanish Authorities and are appropriated for the Accommodation of their Forces and the Safe Keeping of their military Stores. We have considered these Buildings as Appendages of the military Posts and essential to their Defense: as such we have urged their immediate Evacuation, which under the Treaty we supposed ourselves authorized to demand. The Prefect is inclined to a contrary opinion, and supposes that until the three Months allowed for the final Evacuation by the French and Spanish Forces shall have expired, we are not authorized to demand the immediate Possession of them as a Matter of Right. He however has assured us of his Readiness to enter into the Views and Interests of the United States, and has promised to

[144] A copy of the Proces-verbal was sent to Madison by Claiborne and Wilkinson on December 20, 1803. It is published in *State Papers*, doc. 121, 20th congress, second session, 201-203; and Villiers du Terrage's *Dernières années*, 433-435. See also the note of the delivery of the province from Spain to France in State Papers [*ut supra*], 165, 166. Villiers du Terrage [*ut supra*, 426-428] describes the celebrations after the delivery to France; and those on the transfer to the United States.

hasten the Movement of the Spanish Troops to the final Evacuation of the public Buildings as much as may be in his Power.

The public Records, Archives, etc. recognized in the Treaty are not yet delivered. The Prefect has given us Assurances that these Documents are now arranging and will soon be in a State for Delivery. The Fort at Plakemine's and the Blockhouse at the Balize have been taken Possession of by a Detachment of our Troops, and Measures will immediately be taken by Gen[l] Wilkinson to occupy the Post at Natchitoches on the Red River.

We understand that the Troops of Spain now in this City amount to about three hundred Men; and until they shall be withdrawn, we conceive that it would be imprudent to dispense with the Services of the volunteer Corps of Militia from the Mississippi Territory. For if this Corps were dismissed, the regular Troops remaining in the City would be inferior in Number to the Spanish Forces, and of Consequence the Possession of the City somewhat precarious.

For the Want of Barracks the Troops of the United States have been much exposed and subject to serious Inconveniences. For the Want of public storehouses and Magazines the military Appurtenances such as Ammunition Provisions etc. could not all be landed, and the Schooner which had been impressed at Natchez for the Transportation of the Militia, etc., has been necessarily detained as a Place of Deposit for those Articles, which Circumstance will increase the Expense attending that Vessel.

In a private Conference with Mr. Laussat we sounded him as to the Limits of the ceded Territory; he stated positively that the eastern Boundary was the same as had been established at the Treaty of Paris (1763)

through the River Iberville the Middle of the Lakes Maurepas and Pontchartrain to the Sea; that France had strenuously insisted to have it extended to Mobile, but that Spain had peremtorily refused it. That on the south western Side the Claims of France extended to the Rio Bravo as high as the thirtieth Degree of Latitude; but it was understood that Spain did not fully recognize the Claim to that Extent; that it was the Intention of France to leave the western Boundary from the thirtieth Degree of Latitude on the Rio Bravo, northwards undetermined; because it was an Extravagance to think of tracing a line from thence to the Sources of the Mississippi, at this Day through Countries which had not even been visited by the most enterprizing Travellers. He mentioned that he had been informed of the Spaniards having raised additional Forces on the Mexican Frontier since they had been informed of the Cession, and that they would probably take this opportunity of incroaching on the ceded Territory; He requested us to consider this as a confidential Communication, but had no Objection, to our communicating the same to our Government. With Respect to the Floridas, he was of Opinion that Spain would readily exchange them for a small Portion of our Territory on the west of the Mississippi.

Accept the Assurance of our great Respect and sincere Esteem

WILLIAM C. C. CLAIBORNE.
JA. WILKINSON.

[Addressed: "The Secretary of State."]

[Endorsed: "W. C. C. Claiborne and J. Wilkinson, Decr 27th, 1803."]

II. LETTER FROM CLAIBORNE AND WILKINSON TO MADISON, FEBRUARY 27, 1804

New Orleans, Feby 27, 1804.

SIR: Since our last of the fourteenth current, of which a Duplicate was forwarded by the last Mail; the French national Brig the Argo has dropped down the River to Plaquemines, for the Purpose, as we understand, of taking on Board, the People who came in the Brig Express from St. Nicholas Mole and proceeding to France. We hope in consequence thereof, to be relieved from the accumulating Embarrassments attending their Stay at Plaquemines. We inclose you Copies of two Letters, from below, received yesterday, relative to the Situation of those People.

A Report is in Town, of a Vessel from Jamaica with three hundred and fifty People on board, men, women, and children, Fugitives from St. Domingo, destined for this Province, who having missed their Passage into the River and fallen to the westward into the Bay of St. Bernard are supposed to be now detained there by the Currents and to be in the utmost Distress for Want of Provisions.

Many Persons have already arrived here from the French Islands and we think it probable, that a great Part of the Fugitives from St. Domingo, who may reach the United States, will ultimately find their way hither; and it may be proper for our Government to keep this Circumstance in View in Relation to the Arrangements both internal and external, which may be adopted for the Province.

The Spaniards have begun to dismount the Cannon in the different Posts above this City. No other Symptom of their Departure has yet appeared; if indeed that

may be so considered. For supposing them to calculate upon a Rupture with us on Account of our Pretensions to West Florida, the dismounting of the Cannon, the Posts being now in our Possession, necessarily diminishes our Security here, and may be a precautionary step on their Part. It may be proper, however to mention, that the Governor of West Florida,[145] who is in Town informed Governor Claiborne in a private Conversation yesterday, that a Part of the Spanish Troops, would be embarked from hence for Pensacola, in three or four days, and that a complete Evacuation would take place in about twenty days.

Accept assurances of our sincere Respect and high Consideration. WILLIAM C. C. CLAIBORNE.
JAS. WILKINSON.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Governor Claiborne and Genl Wilkinson, 27 Feb^y, 1804, rec^d, 11 April."]

III. LETTER FROM CLAIBORNE AND WILKINSON TO MADISON, MARCH 11, 1804

New Orleans, March 11, 1804.

SIR: Since our last of the 27 ult^o a Duplicate of which goes under Cover, the Spaniards have sent off a small Part of their Troops and we have received repeated verbal Assurances from several of their officers that a final Evacuation by them is fixed for the twentieth of the present Month and appearances seem to indicate the Reality of their Intention.

We have received two Letters from the Commissioner of France of the 2d instant in one of which he informs

[145] Vicente Folch. Many letters from him exist among the transcripts in the Department of Archives and History, of Mississippi.

us that he shall leave in this City a Commissioner, charged with the commercial Relations of the Republic and with the unfinished Business of the Commission; and in the other he observes, that France had expected us to take her cannon and military Stores, that being disappointed in that Expectation, and the War which is now raging preventing their being transported to the Territories of France, he should reserve a Portion of the public Store houses and Magazines for the Preservation of the Property of France.

To the former of these Letters we replied that by our Constitution and Laws, the Prerogative of accrediting public Agents of every kind was vested in the President of the United States; and that the proposed Delegate could not be recognized in a public Character here by any other authority. To the latter we answered by proposing to receive the Cannon and military Stores of France in this City by Way of Deposit—and to Keep them in Safety, ready to be restored, when it might be more convenient to remove them from the Province.

We have this morning received replies to our Letters on these subjects. The Commissioner of France still insists upon the Right of naming a commercial Agent to remain in this City after his Departure and to execute the business of the Commission which may remain unfinished; he however concludes by mentioning that he had written to Mr. Pichon, chargé d'Affaires at Washington-City, and expected that he would obtain an *exequatur* from the President of the United States for the Citᵉⁿ Blanque, whom he has designated to remain in Character of commercial Agent here.

He still persists in his Determination to reserve a Portion of the Store Houses and Magazines for the Use of France.

We have not yet made our Protestation grounded on the Nondelivery of that part of West Florida, as far as the River Perdido, which was formerly a part of French Louisiana. We think it best to postpone that Measure, to near the close of the business, lest it might create some Embarrassment.

We renew to you the assurances of our sincere Respect and high Consideration.

WILLIAM C. C. CLAIBORNE.
JA. WILKINSON.

[Addressed: "The Honble James Madison, Secretary of State."]

[Endorsed: "Govr Claiborne and Genl Wilkinson, 11 March, 1804."]

MEMORIALS TO CLAIBORNE

Congratulations from the militia, January, 1804, New Orleans.

Petition by the citizens of Pointe Coupée, November 9, 1804, Pointe Coupée.

BIBLIOGRAPHY: Both from the originals in the Department of State, Washington, Bureau of Rolls and Library, Governor Claiborne's Correspondence relating to Louisiana – the first from vol. i, and the second from vol. ii.

I. CONGRATULATIONS FROM THE MILITIA

To his Excellency William C. C. Claiborne, Governor General and Intendant of Louisiana.

We, the Subscribers, free Citizens of Louisiana, beg leave to approach your Excellency with Sentiments of respect and Esteem and sincere attachment to the Government of the United States.

We are Natives of this Province and our dearest Interests are connected with its welfare. We therefore feel a lively Joy that the Sovereignty of the Country is at length united with that of the American Republic. We are duly sensible that our personal and political freedom is thereby assured to us forever, and we are also impressed with the fullest confidence in the Justice and Liberality of the Government towards every Class of Citizens which they have here taken under their Protection.

We were employed in the military Service of the late Government, and we hope we may be permitted to say, that our Conduct in that Service has ever been distinguished by a ready attention to the duties required of us. Should we be in like manner honored by the American Government, to which every principle of Interest as well as affection attaches us, permit us to assure your Excellency that we shall serve with fidelity and Zeal. We therefore respectfully offer our Services to the Government as a Corps of Volunteers agreeable to any arrangement which may be thought expedient.

We request your Excellency to accept our congrat-

ulations on the happy event which has placed you at the Head of this Government, and promises so much real prosperity to the Country.

New Orleans, January, 1804.

[This is followed by fifty-five signatures.]

[Addressed: rec^{d} in Govr Claiborne's, 17 Jan^{y}, 1804."]

II. PETITION BY THE CITIZENS OF POINTE COUPEE

Post of Pointe Coupée, November 9th, 1804.

His Excellency Wm. C. C. Claibourn, Governor of The Territory of Orleans, etc.

We, the inhabitants of Pointe Coupée, have deputed Dr. E. Cooley, Planter of this Place, to lay before your Excellency the precarious Situation of the lives and property of the Inhabitants of this Post. The news of The revolution of St. Domingo and other Places has become common amongst our Blacks – and some here who relate the tragical history of the Revolution of that Island with the General Disposition of the most of our Slaves has become very serious – a Spirit of Révolt and mutyny has crept in amongst them. A few Days since we happyly Discovered a Plan for our Distruction.

Our Nombre [*sic*] and fource [*sic*] being so extrêaly [*sic*; i.e., "extremely"] in favour of the Blacks and almost destitute of any kind of Arms for our defence, we must humbly beg your Excellency Goodness to assist us in this Cloud of Danger – in Sending immediately for our temporary Relief, a Detachment of a Company of Military force and the loan of a hundred Stand of Arms to defend the lives and Property of your new friends and fellows Citizens we subscribe with the highêst

Esteem for your Excellency and a sympathetic Regret, for your irretrievable Domestic Calamity.[146] Your must Ob^{t} Fellow-citizens and very Hu^{ble} Servants –

[This is followed by one hundred and seven signatures – probably all the landholders in Pointe Coupée.]

[146] In reply to this petition, Claiborne, under date of November 8, 1804, ordered Col. Butler to send a small detachment and a hundred stands of arms to Pointe Coupée. The "domestic loss" referred to in the text above was the death of Claiborne's wife.

CLAIBORNE AND WILKINSON
to Laussat.
January 23, 1804, New Orleans.

BIBLIOGRAPHY: From the original in the Department of State, Washington, Bureau of Rolls and Library, Governor Claiborne's Correspondence relating to Louisiana, vol. i.

I. CLAIBORNE AND WILKINSON TO LAUSSAT

New Orleans, Jany 23^{d}, 1804.

SIR: In our communication of the 11. inst. you were advised of the Promptitude, with which the Authorities of the United States would render such assistance as might be in their Power, to enable the Commissioner of France to carry into Effect the Treaty of Cession.

We renew to you Citizen Commissioner, these assurances and we confidently rely, that you will be enabled to embark the Forces of France that may be here, in the course of tomorrow, on which Day the Time allowed by Treaty for the final Evacuation of the ceded Territory by the Troops of France and Spain will have expired.

We are the more solicitous on this occasion, since a disorderly and tumultuous Spirit (inimical to social Harmony, and tending to the Injury of the United States) has lately been excited by some French Citizens, who we understand are mere Itinerants in this City, and which spirit seems to be fostered and encouraged by a few Persons, claiming to hold Commissions of an inferior Grade in the Service of the French Republick.[147]

[147] In reply to the above letter Laussat replied on January 25, that there were no French troops in Louisiana. The Spanish troops still remaining were preparing to leave. There is some discrepancy in the three months allowed the French to leave Louisiana. According to Laussat's reckoning, it would not expire until February 23. He protested against the summary orders to leave New Orleans. The recent disturbances were not due to French citizens. Following this letter is a report of the disturbance alluded to above (which occurred at the public dance hall) made before the justice of the peace at the instance of Claiborne and Wilkinson. The depositions of six persons are given.

Accept the Homage of our great Respect and high Consideration.

THE COMMISSIONER[S] OF THE UNITED STATES.

[Endorsed: From the American Commissioners to the Commissioner of France, Jany 23^{d}, 1804, copy B No. 1."]

[Endorsed: "Rec^{d} with Mess$^{rs.}$ Claiborne and Wilkinson's of Feb^{y}, 1804. Disturbance at the assembly."]

[Enclosure B. No. 1 in letter of Claiborne and Wilkinson to Laussat, February 7, 1804.]

WATKINS'S MISSION FOR THE government of Louisiana

Instructions to Watkins, February 9, 1804, New Orleans.

Watkins's Appointment, February 9, 1804, New Orleans.

Watkins's Report, February, New Orleans.

BIBLIOGRAPHY: All from the originals in the Department of State, Washington, Bureau of Rolls and Library, Governor Claiborne's Correspondence relating to Louisiana, vol. i.

I. INSTRUCTIONS TO WATKINS[148]

New Orleans, Feby 9, 1804.

SIR: You will proceed with all convenient dispatch to the different parishes or districts above the City on the Island of New Orleans, and also to those on the west of the Mississippi and adjoining the river, as high up as opposite Baton Rouge, and make suitable appointments of Commandants for the same. In all cases where the former Commandants are desirous of remaining in office under the United States (unless indeed some good exception to their characters exists) I wish them reappointed; but if they decline a reappointment you will nominate successors. You are furnished with blank commissions and instructions, which you will fill up with the names of the persons you may select as Commandants of the different districts.

In charging you with this mission I have given a high proof of my confidence in your discretion and judgment.

In selecting Commandants talents will be a great recommendation, but integrity and attachment to the Government of the United States you must consider indispensable requisites.

You will administer to the several Commandants oaths of allegiance, and of office; and in your conversations with them you will endeavour to impress upon their minds the propriety of administering strict and

[148] Watkins was one of Claiborne's best and most disinterested supporters. He occupied several important positions in the territorial government.

impartial justice, and of preserving good order in their respective districts.

In your conversations with the people generally, you will give them assurances that under the Government of the United States their liberty, property, and religion will be protected – that their political connection is now fixed, and that whatever some mischievous or ignorant men may insinuate, the Province of Louisiana will never revert to France or be detached from the United States.

On your return you will make to me a report in detail of your proceedings.

Wishing you health and happiness, I remain very respectfully, Yr Ob. Servant

Signed WM. C. C. CLAIBORNE.

[Addressed: "Doctr John Watkins."]

[Endorsed: "Doctor Watkins, Instructions, No. 1."]

II. WATKINS'S APPOINTMENT

By William C. C. Claiborne, Governor of the Mississippi Territory, exercising the powers of Governor General and Intendant of the Province of Louisiana.

To all who shall see these presents:

Know Ye, that Doctor John Watkins visits certain Parishes or Districts in Louisiana, charged with public business, and under my immediate instructions.

Given under my hand, and the Seal of the Administration, at the City of New Orleans the 9th day of February 1804, and in the 28th year of American Independence.

Signed WM. C. C. CLAIBORNE.

[Endorsed: "Doctor Watkins's Credentials, No. 2."]

III. WATKINS'S REPORT[149]

SIR: In conformity to your letter of the 9th inst. whereby I was directed to proceed with all convenient dispatch to the different Parishes or Districts above the City, etc., for the purpose of making suitable appointments of Commandants for the same, I have the honor of making to you the following report.

In the Parish of St. Charles or the District of the first German Coast which begins about seven leagues above town, I found that the former commandant Mr. St. Amand had already received his Commission, and instructions directly from your Excellency, and was actually engaged in the different functions of his office. He had no hesitation in taking the oath of allegiance to the United States or that of his office, and having communicated to him the substance of your Excellency's instructions, and received assurances on his part of the good disposition of the inhabitants of his District towards the government of the United States, I proceeded without delay to the Parish of St. John the Baptist, or the District of the 2nd German coast. Here I presented to Mr. Manuel Andry, the former Commandant, your letter re-appointing him to the same office. He expressed great Satisfaction in this proof of the confidence reposed in him by your Excellency, rejoiced at the Annexation of these Countries to the dominion of the United States, and begged me to assure you that he entered with pleasure into the necessary obligations of his office and that nothing on his part should be wanting to promote the prosperity and happiness of the country by a cheerful co-operation in all the measures which the

[149] The original from which this report was transcribed is dated February 2, which is an evident error, as Watkins's instructions are dated February 9.

wisdom of its Rulers might think proper to adopt. At the termination of this district begins the Acadian Coast and the Parish of St. James of which Mr. Cantrell was and has by re-appointment been continued Commandant. He has exercised the duties of this office for twenty-eight years to the general satisfaction of all the inhabitants. He is a wealthy and very respectable planter, a man of good sense and great uprightness of character, possessing popular manners and the universal esteem and confidence of his District. He does not however speak English, and requested me to offer this as an apology for his not having answered your letter of the 14th ultimo. This however he proposes to do, and begs you in the meantime to be assured of his best exertions in the support of the American Government and in the discharge of the duties of his civil administration.

The next Parish in ascending the river is that of la fourche de Chitimachas. This District was formerly governed by Mr. Croquer, an officer, attached to the Spanish Service, who in consequence of this circumstance was obliged tho' very reluctantly to decline accepting a reappointment. In choosing his successor as well as in the other appointments I had occasion to make, I kept constantly in view the instructions of your Excellency. After having made myself personally acquainted with many of the principal characters of the Parish and consulted a great number of the inhabitants, I commissioned in place of Mr. Croquer, Mr. Joseph L'Andry, a wealthy farmer, and the person who had always acted as Commandant per interim during the absence of Mr. Croquer. This gentleman altho' born in Acadia, has resided many years in Louisiana, speaks the English and French languages, professes strong attachment to the Government of the United States and possesses the unlimited confi-

dence and affections of all the inhabitants of the District in which he lives. He begged me to assure you of his zeal and best exertions in discharging the duties of his office and of his desire to prepare his fellow citizens for the reception of the inestimable blessings they were entitled to expect from the wise and just operations of the American Government in this country.

The District of Valenzulla dans la fourche is composed of all that country situate upon each side of the fork from its going out of the Mississippi to its entrance into the Gulph. It is in length upwards of fifty leagues, forty-five of which are inhabited. The former Commandant of this District Mr. Villanueva, anxious to remain in office, and uniting from the best information I could collect, an attachment to the American Government to the esteem and confidence of the inhabitants, was agreeably to your instructions re-appointed. It is proper that I should here stop in my narrative to communicate to you a piece of information as coming from Mr. Villanueva, highly important to the political as well as the social and moral interests of the Government and inhabitants of the country. Some few weeks ago, during the absence of Mr. Villanueva, there passed up the fork from Sea a vessel having on board twelve negroes, said to have been Brigands from the Island of St. Domingo. These negroes in their passage up were frequently on Shore, and in the French language made use of many insulting and menacing expressions to the inhabitants. Among other things they spoke of eating human flesh, and in general demonstrated great Savageness of character, boasting of what they had seen and done in the horrors of St. Domingo. It would appear that this vessel was either Commanded by, or the Slaves on board under the immediate directions of one Mercier, a lame

man who keeps a Billiard table at Mr. Languedoch's upon the levée in this town. The vessel with the whole of the Slaves on board passed from the fork into the Mississippi and pursued their route up the river, since which time no accounts have been heard of them. Mr. Villanueva proposes in a short time to transmit to your Excellency all the information he may be able to collect upon this subject, but in the mean time he relies upon me for giving you this early notice and expresses his wish that your Excellency would take such measures relative thereto as the importance of the case may require.

The District next to that of la fourche and extending up on one side of the Mississippi as high as Plaquemines and on the other side to the Bayou Ibberville was formerly commanded by Mr. Rivas an Officer in the Spanish service. In the place of this gentleman I have appointed Mr. Nicholas Rousseau, who has resided upwards of twenty years in the country, Speaks the English and French languages and possesses with the esteem of his neighbors the reputation of an honest intelligent man. In justice to Mr. Rivas, I can not help observing, that he expressed in the strongest terms his regret at not being able to continue in office and begged me to assure you that the American Government might calculate upon his cordial support, and as it was his intention shortly to withdraw from the Spanish service, he would then and even in the mean time as far as it was in his power and consistent with his situation offer his services to the Government, and do every thing to assist his successor which might be required of him.

From Plaquemines to *Fausse Riviere* a distance of about twelve leagues was formerly attached to the Government of Baton Rouge, and was consequently on my

arrival found destitute of any Commander. In this place which I have called the district opposite to Baton Rouge I have appointed Mr. William Wikoff, a gentleman well known to your Excellency, a native of the United States and remarkable for his attachment to its Government. In this District it may be necessary for your Excellency to take some particular arrangements relative to the Archives and public documents, from the circumstance of their all being lodged in the possession of the Spanish Governor of Baton Rouge.

Galves-town [150] is situate about ten leagues from Baton Rouge upon the river Ibberville, a little below its junction with the Amite. There are but a few inhabitants in this place and notwithstanding its beautiful and advantageous situation there are but about twenty-eight families in the whole of that part of the District which remains to the United States, and not above twenty-five or thirty slaves. There is here a small fort with a few pieces of bad cannon, and twelve Spanish Soldiers, which are commanded by Don Thomas Esteven an officer in the service of his Catholic majesty. This Gentleman has solicited his retreat, and sincerely laments that its not having arrived, prevents him from immediately becoming an American Citizen, and consequently from continuing in the command he has hitherto occupied. Should this event take place during your administration permit me, Sir, to recommend this worthy man to your notice and protection. The universal affections of a whole District is the recompense of his past services, and his integrity and goodness of character will secure him your favor and patronage. In place of Mr. Esteven I was compelled for the want of a greater variety of character to appoint Mr. Alexander Moril, Civil Com-

[150] A small settlement named in honor of Bernardo de Galvez.

mandant of this District. He is by birth a Scotchman, has passed twenty years in the country, is a man of good sense and incorruptible honesty, but unfortunately a great drunkard; he speaks the two languages and I believe him serious when he declares his attachment to the American principles and government. As it may be necessary to send a military Commandant to this post, your Excellency can take such measures as will better secure its good government, seeing that there is no person there at present in whom much trust or confidence can be placed. The inhabitants of the Country in general speak English, the balance who will reside in the town are chiefly Spaniards poor and very miserable.

In the choice of Commandants as well those who have been re-appointed as those who have been created anew, I have paid Strict attention to the instructions of your Excellency in endeavoring to unite integrity of character and the public confidence to the principles and feelings of American Citizens. In my conversations with them, I endeavored to impress upon their minds high and honorable ideas of the American Government, the importance of their own situations, and the absolute necessity of their administering strict, prompt and impartial justice. In my communications with the people generally, I had no difficulty in convincing them that under the Government of the United States, their liberty, property and religion would be protected, and that notwithstanding whatever might be insinuated to the contrary, their political existence was now permanently settled and that the province of Louisiana would never again revert either to France or Spain or be detached from the United States. This information was in general received with pleasure, and altho' there are some few characters who from habit or motives of particular

interest or prejudice would prefer the Spanish and others the French government, yet I am fully persuaded that a large majority of the most respectable people of the Country, are better satisfied with their present situations and sincerely rejoice at their adoption into the Government of the United States. They are prepared for a change, and wait with impatience for the introduction and operation of a more wholesome and vigorous system of laws, than any they have for many years past been accustomed to. During the loose and irregular Government of Spain public spirit sunk into selfishness, the interests of the State were sacrificed to personal aggrandizement, the laws were trodden under foot, crimes left unpunished or punished too severely, all was disorder and confusion. It will therefore be necessary for you to instruct the different Commandants to recall the inhabitants to an obedience of the laws, by punishing the guilty and protecting and encouraging the innocent and praiseworthy. The Roads and Bridges are neglected and the levée in many places out of repair. The proprietors of land are with difficulty brought to labors of this kind. The regulations of the Country relative to these subjects, have been so long neglected that they require to be renewed to be believed or obeyed. The negroes are in a shameful State of idleness and want of subordination. They are suffered to wander about at night without passports, stealing, drinking, and rioting wherever they go, to the great prejudice of their owners, and all honest members of Society. Taverns are every where opened without proper licenses and ardent spirits indiscriminately sold to every description of persons to the injury of the public revenue and the great encouragement of vice and immorality. Some regulations upon these subjects originating with your Excellency

and passing with your sanction through the different Commandants to the people would I am persuaded have a good effect. The natives of this country are naturally docile, and easily governed, and from habit are disposed to respect and obey their chiefs. It is proper that I should here mention to you a species of grievance among the farmers that is highly injurious to them, and becoming a serious evil to the country at large. There are a number of persons called *Gaboteurs*[151] in French, who buy up in town a quantity of taffia, sugar and coffee, but chiefly of the first of these articles and in a canoe or some other small craft, they ascend the river as far as the upper settlements for the purpose of trading with the negroes for stolen goods. They lie by in the course of the day, and as soon as night comes on they go into the different Streets or Cabins or receive the negroes on board their crafts, and purchase of them for taffia, all the clothes, plate, fowls, or other things which they may have stolen from their masters or other persons. Having sold off their cargo these *Gaboteurs* return to town with their stolen goods, which are converted into money for the purpose of recommencing this nefarious traffic. The Baron de Carondelet, by some strict measures of the police, had broken up these miserable pedlars, but since his time the evil has returned with renovated force, and the inhabitants of the river, those of the fork and those of the Bayou of Ibberville, pray your Excellency to take this subject into consideration and use great endeavors to suppress the evil.

No subject seems to be so interesting to the minds of the inhabitants of all that part of the Country which I have visited as that of the importation of brute negroes

[151] These men are described by Robin in his *Voyages*, vol. ii, 249, 250, who calls them "caboteurs."

from Africa. This permission would go further with them, and better reconcile them to the government of the United States than any other privilege that could be extended to this country. They appear only to claim it for a few years, and without it they pretend that they must abandon the culture both of sugar and cotton. White laborers they say can not be had in this unhealthy climate, and they would in vain enjoy the blessing of a rich soil and a valuable cultivation, even under the happy Government of America, deprived of this necessary resource in their labors. It is from this subject that they are naturally carried to speak of the form of their local and temporary government. They wish to be allowed a member upon the floor of Congress, to represent their true interests and situations. Sometimes they desire to enter immediately into all the benefits and advantages of a State Government, but they generally stop short at the difficulties of popular representation, in their present State of political knowledge. The expenses of public buildings, Court-houses, Prisons, etc., the increase of taxes, the acrimony of elections, Courts of Justice, Juries, pleadings at Law and Lawyers, with the difficulties of language has made most of the sensible reflecting people fall into the opinion that a Government of Commandancies (at any rate for the Country) is best adapted to their present situations. These Commandants must be just and enlightened men who by degrees will introduce the American laws and usages, and gradually bring the people acquainted with representation and the true principles and advantages of the Federal Constitution. In the mean time Schools of learning will be established, the English language encouraged and the population of the Country keeping pace with its advancement in political Science, the inhabitants will, in a few

years, be prepared to become in reality American Citizens and capable of participating in the advantages which must inevitably flow from that enviable situation.

All the Commandants[152] complain of the difficulty and indeed almost impossibility of finding persons to act as Constables. The inhabitants are unwilling to leave their farms and neglect their crops for a service so disagreeable in its nature, and productive of so little profit. They wish to know of your Excellency whether it is not possible to allow them an Ordinance as they call it to perform this duty, who shall be paid a regular salary, raised from a tax levied upon each inhabitant or from the public Treasury. They pretend that a hundred dollars a year for each of these men would be a sufficient gratification, and that it would result in many advantages and the general satisfaction of the people. They complain also of the want of prisons or some place

[152] Claiborne issued a printed circular letter to the various commandants, March 28, 1804. This provided for the training of the militia, the control of order among the slaves, the care of roads, bridges, and levees, the prohibition of retailing wines and liquors without a license, or to slaves or Indians. They are directed to give the following information for the governor's better knowledge of Louisiana:

"1st. The extent of your district, the quantity, and as nearly as you can state the quality and productions of the soil? 2nd. The number of Sugarplantations, and the amount of Sugar, Rum, Taffia and Molasses made upon each plantation one year with another? 3rd. The number of inhabitants in your District; their color, sex and condition, and particularly the number of militia? 4th. Are there any Schools, either English or French, and what (in your opinion) would be the best mode in the present situation of the province of introducing and supporting these necessary and important institutions? 5th. What is the quantity of vacant land in your District? 6th. Are there any public buildings? What is their value, and what quantity of public land belonging thereto? 7th. Are there any bayous or forks of the river in your District which will admit of being cleared out, so as to facilitate the commerce of the country, and what (in your opinion) would be the probable expense of such undertaking and the best method of executing it? 8th. The number and conditions of your churches? Are you supplied with Clergymen; and do the citizens manifest a disposition to support, respect and patronize regular ministers of the Gospel? 9th. The situation and condition of your prison should there be any, and in case there is none, is one required?"

Commandants are to impress upon the inhabitants the necessity for education. Liberty, property, and religion are to be protected; commerce and agriculture to be promoted; and the arts and sciences cherished.

of confinement for criminals and other defaulters. They speak loudly of the great expense attendant upon their situations as Civil Magistrates and the inconsiderable recompense received from the fees to which they are entitled by law. They complain too of the ruin and falling down of their Churches, and are likely to be deserted by many of their Priests, who not being able to raise a sufficiency for their maintenance among the people, follow their pay with the Spanish Government. They regret this circumstance as it is taking away from the minds of the growing generation an habitual restraint to immorality, and by leaving a doubt of the necessity and usefulness of the ministry of these people, among the ignorant, you break in upon the fundamentals of their religion and open the door to a disbelief in the truths of virtue and the advantages of good morals. They wish your Excellency to do every thing in your power, for the replacing their Clergy by encouraging the people to contribute to their maintenance and support. They pray you also for your particular support in the exercise of the duties of their office; that you will instruct them when wrong, encourage when right and assist them to contribute their mite for the promotion of the happiness of the people, the prosperity of the Country and the preservation of that Constitution which they have sworn to support, and shall in future delight to obey.

I intended to have said something upon the subjects of the number of inhabitants, the strength of the militia, the productions of the soil, its qualities, and the quantities of the different articles raised thereon, the importance of clearing up the Bayou's of Ibberville, the fork and Plaquemines and the advantages that would result therefrom, of the propriety of soliciting Congress

for vacant lands for the purpose of forming a revenue for the establishment of a Seminary of learning and other Schools. But having already spun out this communication to a tedious length, I beg your Excellency to accept it as it is, and permit me to be with considerations of the highest possible respect and esteem, Your Excellency's Obd^{t} humble Servt

(Signed) JOHN WATKINS.

New-Orleans, Feby 2nd, 1804

[Addressed: "William C. C. Claiborne, Governor General and Intendant of Louisiana."]

[Endorsed: "Rec^{d} in Govr Claiborne's, 1 March, 1804."]

REFLECTIONS ON LOUISIANA

By Vicente Folch, Governor of West Florida. [1804?], [Baton Rouge?].

BIBLIOGRAPHY: Translated from a transcript of the original in Archivo de Indias, Papeles procedentes de la Isla de Cuba, Estados del Misisipi.

REFLECTIONS ON LOUISIANA BY VICENTE FOLCH

NUMBER 2

Reflections educed from the results of the retrocession of the Province of Louisiana to France, and the subsequent sale of that Province to the United States of America.

The province of Louisiana (comprehending both banks of the Mississippi from its mouth at the Sea to the Iberville River, and continuing from that point its jurisdiction by the right bank up to its source) formed, in the possession of Spain, an effective barrier to its Mexican dominions against the people of the United States living west of the Appalachian mountains, and who were extending daily with marvelous progress in all directions.

In order to form an accurate idea of the [growth in the] number of those people, of which history presents no similarity to us, it will be necessary to go back for the last thirty years, in order to ascertain what has been their extension toward the west.

In the year 1713, the most western settlements of the United States were found scattered as far as the first ridges of the Appalachian Mountains. Pittsburg, formerly called Fort Duquesne, located at the head waters of the Ohio River, constituted the frontier or boundary point between those peoples who then called themselves the British Colonies, and the Indian Tribes. The pres-

ent state of Kentucky was at that time a perfect wilderness where the Indians hunted wild animals, and was distant four hundred miles from the nearest civilized settlement. The ax of the farmer had not felled a single tree along either bank of the Ohio. All the population southwest of the Appalachian Mountains, that is to say, all those who inhabited the English Colonies who afterward obtained their independence, did not exceed fifty thousand souls of both sexes and of all ages, and the products of the land scarcely sufficed for the subsistence of its rude and indolent inhabitants who depended much more on the chase for their sustenance.

What a marvelous change presents itself to our eyes at the present time, and after so short an interval! The same region, occupied before by wild and ferocious animals, is today covered with domestic herds and flocks. Cities and towns have been substituted for the villages and cabins of the Indians, and civil societies have succeeded in all parts to the bands of the savages.

Ohio, on whose waters had formerly passed only canoes of the Indians, is now covered with vessels laden with the various products of the most fertile soil, which extends even from the cold to the hot zone. That space, a wilderness but a few years agone, forms three independent states, which are classed as such in the American Confederation, and two colonial governments, with a population in excess of one million souls, and extends to the shores of the Mississippi over a distance of nine hundred miles. However incredible may appear this astonishing contrast, and however marvelous may be this sudden revolution, the above cited observations will bear the most severe scrutiny and will be found justified by irrefutable testimonies.

Be what may the cause of this surprising increase of

settlements, with relation to the United States, Spain had nothing to fear from them until they obtained possession of the right bank of the Mississippi and of its mouth at the Sea. For the Americans were accustomed to regard that great stream as their distinct fort and natural boundary toward the west, farther than which no person in the United States, however daring and ambitious he might be, had cast his eyes before the retrocession of Louisiana to the French government, which until then was not seen, nor known, nor even desired by the Americans. Even when the ambition of the councils of the government of the United States had caused them to cast their glances farther than that so manifest boundary, so long as Spain kept possession of the country, and was able consequently to prevent private explorations of it, the extent of the wildernesses lying between the Mississippi and their Mexican dominions, had of itself presented an insuperable barrier to the invasions and incursions of the Americans, and to this invincible obstacle will be added the counterpoise, which could be opposed to the commerce and navigation of the Mississippi.

In this condition, centuries would have passed without altering the secure possession by which Spain disputes its treasures in America, but a chain of events of fatal presage, portentious by their nature and which must bear with them frightful consequences, threaten even the very foundations of Spain's empire.

It is now many years since the author of these reflections has been working very earnestly to persuade the ministers of Spain of the very great importance of the province of Louisiana, which must be considered as the gateway which leads to its provinces in Mexico – a gateway which leads directly to its most vital and vul-

nerable parts; a gateway, in fact, which French intrigue has opened and which, at last appeal, Spanish force must close.

Let us clear our imagination of doubts, and let us illustrate these reflections by positive facts. Let us seek the remedies applicable to the important crisis in which we see ourselves; and with a fervid zeal let us proffer our humble efforts of coöperation, in order to put to flight the dangers which threaten not only the happiness of Spain, but also that of the United States.

By the treaties of San Ildefonso of October 1, 1800, and of Madrid, March 21, 1801, the court of Spain retrocedes to the French government the entire province of Louisiana, without any precise definition of boundaries. On the 30th of April, 1803, the French government, without any consideration for the obligations which united it to Spain, sold the retroceded province to the United States, in its entire and indefinite extension, without bounds or reservation, and without the knowledge of Spain.

The dangerous tendency of the retrocession of Louisiana to the French government has not failed to excite the anger and wrath of every patriotic Spaniard, whose local intelligence has taught him the facility with which military expeditions may be conducted from the western frontiers of Louisiana to the adjacent provinces of Nueva España. But although Spain had much to fear from the revolutionary spirit, and from the unquiet ambition and greed of the French ministry, nevertheless, there remained much for it to hope from the fears and jealous vigilance of the commercial powers of Europe and of the United States.

The gigantic power acquired by France in the theater of Europe after the death of Louis XVI, and the abuse

of that power by the excessive arrogance of its citizens, excited well-founded alarms among the great courts of Europe, and necessarily would have made them combine in order to look to their common safety, and oppose the extension and establishment of that Gothic power in this northern hemisphere. That consolidation [of the powers] probably would have destroyed the independence of all other nations. The United States at the same time were watching with jealous eyes and hostile minds the approach of so formidable, unbridled, ambitious, and covetous a nation.

Similar sympathies in the great family of the human race would perhaps have produced a general combination for the destruction of the limitless pretensions of France; and it is unquestionably true that the United States and Great Britain would have proposed to work in concert, in case that Mr. Monrró [i.e., Monroe] had not obtained the object of his mission. It is equally certain, had General Victor and his army at its arrival and disembarcation here, would have been attacked by all the forces of the United States if it were necessary, and would have been deprived of all ouside aid by the superiority of the English navy. Consequently, that general, restricted to the reduced limits of the defensive, negotiations would infallibly have resulted by which France would have renounced its right to Louisiana. But, since it would have been difficult for Great Britain and the United States to agree on the partition of their conquest, it is very probable that the province would have remained in the possession of Spain. It is a positive fact that the United States, being very well satisfied with their right of deposit which Spain had conceded to them in Louisiana, were determined, even from the time of Washington's administration, never to per-

mit either France or England to acquire any settlement in the neighborhood of the Mississippi, and during the French Revolution England made several propositions to the United States which, as is apparent to the author of this paper, were immediately refused.[153]

So great was the interest shown by Great Britain in this particular that it offered all of Canada to the United States under the sole condition of being allowed to take possession of the right bank of the Mississippi.

But when France transferred Louisiana to the United States for a sordid consideration, there followed a change of conditions and relations, which presaged dangers difficult to avoid, for the powerful interests which naturally were opposed to the increase of power by France on this continent could not be applied to the present condition of affairs, and for this reason Spain's American dominions were exposed to a risk of this magnitude.

The nearness of the United States to the Spanish dominions of America, and the ease of approach to them by the currents of the Ohio and of the Mississippi, expose the latter to the attacks of the former, more especially than to those of any other nation whatsoever, of all those that inhabit the land. The provinces of Nueva España are strongly guarded on their maritime coasts by a difficult navigation, for they are surrounded on one side by a rough coast, and on the others by shores with many reefs, and by woods and mountains. But an open country abounding in horses and wild animals, makes those provinces very vulnerable from the interior. The position of these United States, five thousand miles distant from the old world and separated from it by a vast ocean lying between, secures them against the jealousies

[153] This is one of the earliest allusions to the policy of the United States enunciated later and more widely under the somewhat misleading appellation of the "Monroe doctrine."

of the European powers and, in fact, keeps them from the attacks of the latter; while, on the other hand, their proximity and ready access to the Windward Islands, their extensive commerce and great consumption of the products of European manufactures, render them liable to excite the fears and competition of, and distrust the rivalries of the great commercial powers in regard to any question of political importance relative to North America. The treaties of 1784 with Great Britain and that of 1793 with France, present proof of this assertion.

At the same time, France, always intriguing, restless, and impatient, regards with anguish the abandonment of a project by which it had flattered itself that it could clutch the treasures of Mexico, and acquire a monopoly of all the commerce of the territories lying west of the Mississippi. With the hope of profiting by any future contingency which might enable it to regain this country, France is trying to establish a foundation of hostility between Spain and the United States by extending the western boundaries [of Louisiana] to the Rio Grande, at the same time that it is marking the eastern boundaries as extending to the Iberville River and to Lakes Maurepas and Pontchartrain, since such is the report which the French commissioner has given.

The ministry of the United States, intoxicated by the extensive acquisition obtained by virtue of the treaty of April 30, has abandoned all idea as to natural boundaries, and flatters itself that the western boundaries of Louisiana are as France defines them; but at the same time it refuses to conform to the eastern boundaries, and has resolved to negotiate for the concession of the former boundaries, that is to say, to the Perdido River, according as France enjoyed them. Those boundaries, the

United States boldly, in full Congress, have asserted belongs to them by right.

In this so interesting state of affairs it is necessary, if possible, to draw aside the veil which hides from us the future, in order to penetrate the intentions of the American government and, if practicable, let us try to anticipate the consequences which the success of their pretensions may produce.

The two Floridas are in contact with the boundaries of the United States to the southwest, and cover the distance of two hundred leagues from the Mississippi to the Atlantic Ocean. By their position they exclude the United States from participation in the navigation, commerce, and communication with the coast of the northern part of the Gulf of Mexico. The Floridas also exclude several considerable rivers, which flow through the settlements of the United States, and subject their commerce to the will of Spain. By their location, the Floridas will have a strong ascendency over the powerful Indian nations which inhabit that part of the American Union. The position of Baton Rouge on the Mississippi will be a powerful obstacle to the American government of the Mississippi, and it is very suitable, by means of competent forces prudently led for watching, restraining, and preventing all operations of the United States against the interior provinces of Nueva España. To this point, then, the great considerations and important interests which make the acquisition of the Floridas an object of so great magnitude to the United States, are explained. This proves that those provinces are a powerful guaranty in the possession of Spain and that they ought to be guarded and defended by the most careful combination of art and force.

It is conjectured that, at this moment, there is pend-

ing a negotiation between Spain and the United States relative to the Floridas. On this point the states of Georgia and South and North Carolina insist strongly to the president. If the United States succeed in their intention, I would tremble for the fatal consequences that I foresee would result against Spain's interests on this continent. For those consequences would immediately follow the audacity of the pretensions of the United States as to the western boundaries of Louisiana, and those pretensions would be supported by arms. It is possible that these pretensions are being manifested even during the negotiation established for obtaining the Floridas, but no attempt will be made to obtain them by force so long as the Floridas continue in Spain's possession. For its position leaves all the southern frontier of the United States from the Atlantic coast to the Mississippi open to the attacks of a foreign power. Also [this attempt will not be made] because that situation may have great influence on the destiny of New Orleans and, lastly, because those frontiers would be exposed to every movement that might be attempted against the interior provinces of being attacked by rear and flank. For the reasons above mentioned, it remains proven that it is to the vital interest of Spain to obstinately refuse every proposition of the United States, in regard to this very important question, unless it be for the retrocession of the right bank of the Mississippi or that part of it which Spain needs to wholly prevent all communication between the United States and the interior provinces of Mexico. And in order that the fulfilment of this most important object may be obtained, it is indispensable for Spain to employ its greatest efforts of its power and treasure, and that it impress deeply on the heart of every loyal and faithful Spaniard that the prize

which is causing the contest constitutes the most precious jewel of the royal diadem.

If Spain were one day to admit the pretensions of the United States to the territorial extension which they claim by virtue of the treaty of April 30, last, concluded with the French government, it would give up the key of the new world to its most dangerous neighbor, and the revolutionary spirit of the present time, conspiring with their boundless designs, would cause the daring Americans of the western settlements, under the impulse of an insatiable avarice, to overthrow almost in a moment [*con la mayor brevedad*] the two empires of Mexico and Peru, and would dispossess Spain of its most precious inheritances, and tear from its possession the treasures of the Indians.

In order to set forth this matter under the most vivid colors, let us reduce our thought and let us examine the pretensions of the American government of the western boundaries. We shall be able to risk with safety a prophecy: namely, that if the United States are permitted to extend their settlements and obtain firm possession of the right bank of the Mississippi, the temptations of the soil and climate, the ease with which they may glide by the smooth surface of the Ohio, and especially the temptation of the renowned treasures of Mexico, whether they be real or imaginary, all these will produce a current of emigration from Kentucky and other States, both east and west of the Appalachian Mountains, in spite of every provision which the American government could take, in order to check or restrain them from populating the fertile regions of Louisiana. This would be done with a remarkable rapidity, and one quite unexampled. I am speaking through the instinctive knowledge which I possess of the American character

in general, and of that of those who inhabit the west in particular, and of their liking and propensity to wander for the purpose of examining and exploring unknown countries. When I say that under such circumstances there is no doubt in my mind that the space of twenty years from this date will see the settlement of a million souls west of the Mississippi, and that the first step which is given toward such an event may be considered, according to my weak opinion, as a precursor of the depopulation of the American Confederacy, and of the revolution of Spanish America.

To resist this assertion would be to show an absolute lack of political wisdom and experience. In respect to this, a simple and slight examination ought to be sufficient to convince the most ordinary observer that the boundaries of the American government depend in great part on the popular inconstancy of its inhabitants. Consequently, that government can not dominate so powerful a community with interests and inclinations that differ from the principal states, at a so considerable distance from the center of the empire.

From the above-mentioned premises, the following conclusions may be safely deduced, and will serve to reduce the matter which gives a motive for these reflections, to condense the ideas of the author, and to produce them in a more concise form.

1. The population of the United States of America southwest of the Appalachian Mountains, has increased, in the space of thirty years, to the number of nine hundred and fifty thousand souls, and has extended toward the west about nine hundred miles, those settlements extending even to the immediate vicinity of the Mississippi.

2. The province of Louisiana, without a precise def-

inition of boundaries, has been retroceded by Spain to France, and under the same circumstances, has been transferred by the latter to the United States.

3. The United States are claiming, from the treaty of cession made with the French government, April 30, last, the province of Louisiana as comprehending all the vast stretch of territory lying between the Perdido River on the east and the Rio Bravo or Rio Grande on the west, including the Mississippi and all its branches from its source to the ocean.

4. The French government has recognized the Rio Bravo or Rio Grande as the western boundary of Louisiana, but has denied the pretensions of the United States to the rights that they claimed to possess toward the east, and has reserved to Spain expressly its right to all West Florida, such as it was before the treaty of April 30, last.

5. West Florida – by its position between the island of New Orleans and the territory of the United States; by its extensive contact with the southern frontier of those States; by its possession of the mouths of the rivers which cross the settlements of the United States, which gives it in consequence a monopoly of their commerce; by its influence over the Indian nations of the Choctaws, Chickasaws, and Creeks; and by its convenient situation for the conquest of New Orleans, and for restraining or troubling any movement which might be attempted from the Mississippi against the provinces of Mexico – must be considered as an object of great importance to the American government, the possession of which it will endeavor to acquire at almost any cost and risk.

6. The recovery of the right bank of the Mississippi is as indispensable to Spain for the security of its Mexican empire, as the acquisition of the Floridas is necessary

to the peace, prosperity, relief, and profit of the United States. Said provinces offer to the above-mentioned states the strongest temptation that one can seek to obtain the retrocession of the right bank of the Mississippi, and for this reason it is a sacred duty for Spain not to give them up except at that price.

7. Since the citizens of the United States in general, and the present administration in particular, are opposed to every idea of war, they can not be provoked to formal hostilities unless the preservation of some considerable interest, or important right is attacked. That disposition will incline them to negotiate with Spain, and probably will restrain said United States from putting their pretensions toward the west in force, so long as they see Spain in possession of the Floridas, and that those provinces are vigilantly guarded.

8. If West Florida should be ceded to the United States on any other consideration than that which includes the retrocession of the right bank of the Mississippi, or that part of it which will prevent all communication between the United States and the interior provinces of Nueva España, the American government with the city of New Orleans and its rear and left flank free of danger, and without any cause for fear, except from the direction of Mexico, immediately necessary toward the west, will assert its claims, founded on the concessions made by the French government, to the Rio Bravo or Rio Grande, which was determined as the western boundary of Louisiana, and will prepare to obtain those claims by force at any cost.

9. If the above-mentioned claims were admitted or exacted, the kingdoms of Mexico and Peru would be opened to hardened armies and adventurous desperadoes who, like the ancient Goths and Vandals, would

precipitate themselves upon the weak defenses of Mexico, and overturn everything in their path, and would propagate in their course the pestilent doctrines that have desolated the most valuable part of Europe, and which have deprived whole kingdoms of their foundations.

If, after what has been here set forth, any one should doubt the dispositions of the American government with respect to the western boundaries of Louisiana, it will be necessary to refer those incredulous ones to the doctrines uttered in full Congress and published in the ministerial gazettes of the city of Washington, and those of this capital. To those proofs may be added the following interesting facts: that the president of the United States has commissioned his astronomer, who is at this very moment in the province of Louisiana, with the duty of determining by all practical investigations the relative positions of the mouth of the Rio Bravo or Rio Grande, and the source of the Missouri River; that as an aid to this end, orders have been given to the president's private secretary and the Infantry Captain Lewis to ascend the Missouri River with a military command, and supplied with the articles necessary to make the proper observations at different points, and if circumstances favor the extension of the enterprise, they are to proceed as far as the Pacific Ocean; while wagers of consideration have been laid that the United States will have a seaport on said ocean before five years roll by.

Now let us halt to measure the dangers by which the Spanish dominions are threatened. Let us examine the matter with impartial eyes, in order that with a constant purpose and determined effort we may place in practice all the energy possible, both physical and moral, in order to put to flight the calamities which are pending.

The experience of the ages gives constant testimony that in all matters of human life, preparation is the mother of security and the companion of fortunate outcome. This axiom is confirmed by irrefutable evidence and may be applied with equal force both in the physical and in the political. In bodies naturally weakened we stimulate the system not only because of the diseases, but also to guard against diseases. In political bodies, in order to preserve peace, we prepare for war; and to give more efficacy to negotiations for peace, we arm ourselves for offense or defense, according as circumstances may demand. In fact never has there occurred a case in which more maxims may be better applied than that which at this moment concerns Spain and the United States of America; and in respect to the judgment with which at this moment concerns Spain and the United due consideration toward the superior capacity which must decide on the merits of these reflections, I beg permission to extend the following propositions:

1. Spain should immediately give its attention to the defenseless condition of West Florida. It ought, without delay, to place the fortifications of the above-mentioned province in the best condition of defense, and distribute for that defense two thousand five hundred men of its best troops in the following manner: In Pensacola, one thousand; in Mobile, five hundred; and the remaining one thousand five hundred in Baton Rouge. The weak condition in which the above-mentioned province is at present, absolutely invites attack and exposes it to invasion by the United States, without risk or loss to them.

2. In order to facilitate a more prompt, secure, and independent communication with Baton Rouge than that which is offered by the Mississippi, a fort ought to

be established at Ship Island,[154] which would serve as a place of deposit, and where both the vessels of the royal navy and merchantmen might anchor. That site offers one of the best ports on all the Gulf of Mexico for sheltering even ships of the line. From that port toward the west the least depth of water is ten feet, so that suitable boats can sail by way of the Rigolet to Lake Pontchartrain and from the latter to Lake Maurepas, and then can ascend safely as far as the junction of the Amit and Iberville Rivers. From that place a road can easily be opened, which will lead overland to Baton Rouge. By following that system of communication, we shall avoid the territories of the United States, and Ship Island, by its proximity to the Balize may be considered as the key to the mouths of the Mississippi. This will always keep New Orleans in fear and will increase the anxiety that the United States have for the possession of the Floridas.

3. The post of Nacogdoches ought to be strongly fortified, supplied with artillery, and with a garrison composed of fifty artillerymen, five hundred chasseurs, and two hundred fifty light cavalry, commanded by experienced European officers.

4. A fort ought to be established on the Sabine River,[155] and at the same time a site ought to be chosen at the point where that river ceases to be navigable, in order to locate there an army of observation. That army should consist of one thousand five hundred men, including artillerymen, dragoons, and chasseurs, each in

[154] "Ship Island was always the first point on the coast where vessels anchored on coming from France. A fort was built there with convenient accommodations for troops, besides warehouses for the storage of goods and supplies for the colony."

This account of Ship Island under the French régime is taken from B. F. French's *Hist. Collections* (New York, 1851), 189, note.

[155] Formerly called the Mexicana and Adaize on old Maps. See: Stoddard. *Louisiana*, 192.

number according to the proportion that will make the above total. Their command should be conferred on an active, vigilant, capable, and experienced officer. That corps should be quick to protect the government of Nacogdoches, and by its position would hold in check every movement of the United States toward Mexico, for the reason that they could be attacked by flank and rear.

5. Spain must take advantage of the expression which was used in full Congress, especially by Mr. Randolph, in what concerns West Florida. That country ought to urge upon the First Consul that he hand an official communication to the United States, intimating to them that said province has been excluded from the boundaries of Louisiana in its retrocession to France, as it belongs by right to the crown of Spain, and that France is bound by treaty to maintain that right inviolable against every power whatsoever. That declaration, if made by the French government, will impose silence on the claims uttered in full Congress in respect to West Florida, and will favor the projected negotiations.

6. Measures ought to be adopted which will be believed necessary so that Spain may succeed in winning the affection of the southern Indian tribes, and increasing their jealousy against the United States. For that purpose sufficient funds must be placed at the disposition of the governor of West Florida.

7. Spain ought secretly to promote the purposes of the United States that are directed to driving the powerful nations of the Creeks, Choctaws, Chickasaws, and Cherokees to the west of the Mississippi; for in that case the latter will bear with them a mortal hatred against the Americans for having compelled them to abandon their native country. In their new dwelling

they may be able to be incorporated into one body, and since they are now accustomed to the use of firearms, and experienced in destructive warfare, they may be employed, not only in checking the extension of the American settlements, but also, if necessary, in destroying every settlement located west of the Mississippi. Spain should set aside twenty thousand pesos annually to obtain the above-mentioned objects.

8. An express ought immediately to be sent to the governor of Santa Fé, and another to the captain-general of Chihuaga,[156] in order that they may detach a sufficient body of chasseurs to intercept Captain Lewis and his party, who are on the Missouri River, and force them to retire or take them prisoners.

9. If the establishment of a seaport near the mouth of the Sabine River is thought impracticable (which ought not to present any difficulty as it is thought to have a depth of twenty-one feet of water at its entrance), in such case the above-mentioned settlement should be located on Matagorda Bay, which has a depth of four brazas of water, and in which empty the Colorado and Guadaloupe Rivers.

10. Every foreigner who is not in the service of Spain should be exiled from the provinces of Mexico,[157] and all communication between the citizens of the United States, of any kind whatsoever, and his Majesty's subjects and their settlement should be solemnly prohibited.

11. It is a matter of the greatest importance for the American settlements in the Missouri River to be driven from it, even those which have been indirectly per-

[156] Fernando Chacon was governor of New Mexico, 1794-1805. Chihuahua was also included in the Interior provinces.

[157] The Spanish authorities attempted to carry out such an unwise policy in the interior provinces, and about this time prohibited the French from remaining in Spanish service.

mitted. I am assured that a person named Boone, who is the same one who first penetrated the wildernesses of Kentucky [*Kentuqui*] is at present settled on the Missouri, at a distance of fifty leagues from its confluence with the Mississippi, with a number of his adherents. This does not admit any doubt but that, if those settlers be allowed to advance, they will very quickly explore the right path which will lead them to the capital of Santa Fé.[158]

Since money is the sinews of war, and a powerful agent for negotiation, the commissioner of boundaries and the governor of West Florida should be authorized to apply annually a certain sum of money, to be used under their direction, for secret services and especially for the favoring of these propositions. At this moment, for the lack of this arrangement, we are losing in the cause which we are discussing, a man of great talent and national influence.[159]

And finally, if we adopt this system of active vigilance and defensive foresight, Spain will show evident proofs to the United States of its determination to maintain its rights to the possession of West Florida, and drive back every illegal usurpation toward the region of Texas; and when the United States perceive that they will be permitted neither to extend their pretensions westward nor to take possession of West Florida without an appeal to the *ultima ratio regum* [i.e., the last resource of kings], the probable results will be a disposition to lessen their purposes and to show an inclination to negotiate for the cession of the right bank of the Mississippi in return for the Floridas. For it is an indubitable fact that there

[158] The first recorded journey from Santa Fé to St. Louis was made by Pierre Veal, a Frenchman in Spanish service. See his journal in Houck's *Spanish Régime.*

[159] Folch possibly refers to Wilkinson.

exists no idea so frightful and odious to the common mass of the people of the United States, as that of seeing a powerful standing army, not only for the expense caused them but more particularly for the danger in which they see their democratic institutions as the result of such measures. Consequently, it will naturally and necessarily result that the more formidable the defensive activity taken by Spain, the more will the pretensions of the United States diminish and the less disposed will they be to provoke a war.

The great and important object of Spain being now the recovery of the west side of the Mississippi, it must adhere obstinately to that point, and must, in the first place, offer the Floridas for it, and in the course of the negotiations it may add to the above-mentioned offer the sum of money which seems suitable to attract the attention of the people and tempt the government of the United States.

At the same time Spain ought to recommend to its commissioner to try to avoid, under plausible pretext, all conferences that they try to propose to him, concerning the western boundaries of Louisiana. If the United States, after due perseverance and experience should be found to be inflexible in their claims regarding said limits, he may offer them a line of demarcation near the west bank and running so as to cut the mouth of the Missouri River, adding to it also the cession of West Florida, under the express stipulation that the United States shall never sell any of the above-mentioned territories, nor permit any new settlements to be made on the west bank of the Mississippi, and at the same time oblige them to give a solemn and perpetual guaranty to Europe that never will any attack be made by the above-mentioned states and that they will not permit any other

power to make attacks from the territories of said states against the Spanish possessions on the continent of America.

It is very probable that the United States will demand possession of one part of the right bank of the Mississippi, in order to check the smuggling that will necessarily prevail if the above-mentioned side belonged to any other nation, and also to favor the collection of its revenues. The true policy of Spain requires obstinate resistance to such a demand by asking the right bank of the Mississippi in its entirety. However, if the United States should persevere in the above-mentioned pretension and should establish it as the *sine qua non* of a friendly agreement, Spain may without any sensible harm concede the part of the west bank included between the mouth of the Mississippi and the arm of the river called Fourche. For, in the above-mentioned extensions the farmlands are found on the same bank and have very little depth and the communication of those settlements with those of the upper part in the interior of Louisiana can easily be gauged. In such a case, it will be advisable for the interests of Spain to establish a port at the mouth of the Teche River, or in its immediate vicinity, for the advantage of its settlements of the Mississippi. In regard to those settlements which are located west of the above-mentioned river, by which an easy communication may be opened by the Chafalaija [i.e., Atchafalaya] River, the Bayou á Boeuf, Placquemines, and La Fourche, that port combined with the one proposed above for Ship Island, would make Spain entirely independent of the navigation of the Mississippi, and it would depend on its will to cut securely and advantageously all communication between the American government and its citizens, for experi-

ence proves every moment how necessary is the obtaining of that object.

During this negotiation, which assuredly is the most important that has ever occupied the councils of Spain, every art and expedient possible must be employed to win over the American cabinet to their propositions, and to obtain this, they must make use of men who enjoy confidence, intelligence, character, and influence in the government of the United States, in order that the ministry of Spain may make use of the most favorable time and methods to direct the said arrangements or purposes as best conduces to the interests of his Majesty's crown.

It is a matter of indubitable authenticity that the extension of the territories of the American government west of the Mississippi will be very prejudicial to the interests of the states located on the Atlantic slope; for said extension will increase the expenses of the government, and in proportion will also indispensably increase taxes. Their population will scatter, and consequently, the price of lands will diminish and that of labor will increase. For these reasons it must be presumed that the states which have a decided preponderance in the American government will embrace any justifiable pretext which Spain may offer for the retrocession to that country of the district under discussion. It is evident that various pretexts may, without difficulty, be renewed on the part of the court of Spain.

For example, leaving out of consideration the general repugnance which persons occupying the highest stations have of going again to war for any motive whatever, the debt of the United States at the present moment amounts to seventy millions of pesos, and the desires of the majority of the people to extinguish that debt are almost as lively as its horror at the idea of having to

increase its military forces.[160] If Spain should find it advisable in the course of its negotiations to propose the gradual extinction of that debt, together with the Floridas, in exchange for the right bank of the Mississippi, and should publish that proposition, there is in my opinion no doubt but that the people of the Atlantic states will be loudly in favor of it and force the government to accept it, and the fame of Jefferson will be more exalted by such an event than by the unexpected acquisition of the province of Louisiana, with its pretended boundaries. But, I only offer this idea as a last resort.

I submit these propositions with profound respect to the exalted authorities who are more profoundly interested in the results to which they are directed, and which they are infinitely more competent to decide briefly. I shall take the liberty of adding that, if Spain should recover the right bank of the Mississippi a circumspect policy may perpetuate the crown in its peaceful and safe possession of its American treasures, but if time is given to the Americans, by rash incidents, false calculations, dilatory compacts, and lack of attention to the important crisis, to settle west of the Mississippi, I fear that I shall live long enough to see realized many of the calamities that I have tried to prevent by my labors, and that I shall be the unhappy spectator of the population of the Spanish and American governments on this continent. From those evils may Heaven preserve them as an aid to my greatest efforts.

VIZENTE FOLCH.[161]

[rubric]

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[160] See: Adams. *History*, vol. i, 239, *et seq.*

[161] Vicente Folch, Spanish governor of West Florida, was distinguished by his hostility toward the Americans. He was an efficient official and worked constantly in the interests of Spain. Many letters written by him are found among the Spanish transcripts in the Department of Archives and History of Mississippi. See, also: Houck. *Spanish Régime.*

CLAIBORNE TO CASA CALVO
January 10, 1806, New Orleans.

BIBLIOGRAPHY: From the original in the Department of State, Washington, Bureau of Rolls and Library, Governor Claiborne's Correspondence relating to Louisiana, vol. iv.

CLAIBORNE TO CASA CALVO

New Orleans, Jany 10th, 1806.

To His Excellency, The Marquis of Casa Calvo –

Sir: The President of the United States has directed that Your Excellency and all other persons holding Commissions or retained in the service of His Catholic Majesty, should quit the Territory of Orleans as soon as possible. This proceeding has been resorted to as a measure of precaution, rendered the more expedient from the rejection by the Councils of Spain of the proposals submitted by the Envoy Extraordinary of the United States for an amicable adjustment of existing differences; from the reinforcements lately landed at Pensacola; similar movements on our western Frontier; and the recent acts of aggression committed by the Spanish Troops in that quarter.

The Secretary of State having instructed me to lose no time in notifying to Your Excellency the President's Order, and to request that you would communicate the same to the persons whom it comprehends; I have sent a Gentleman for the express purpose of meeting you, and it is expected, that, after the receipt of this Dispatch, you will advance no further within the Territory of Orleans, but that you will, together with your attendants, withdraw therefrom as soon as possible.

I repeat to Your Excellency that this is only a measure of precaution, dictated by the circumstances of the Times, and not intended as an act of offence towards your

Nation, or of rigour against yourself and the other Gentleman attached to the service of His Catholic Majesty.

In making this communication to Your Excellency, it may be proper to inform you that you have never been accredited by the President of the United States, as a Commissioner of Limits; that no proposal has been made on the part of Spain for setting such a Commission on foot, nor indeed can it be considered as necessary, so long as the present difference of opinion continues, respecting the lines to be run.[162]

I avail myself of the occasion to render to Your Excellency the assurances of my high and respectful consideration. (Signed) WILLIAM C. C. CLAIBORNE.

[Addressed: "His Excellency, The Marquis of Casa Calvo."]

[Endorsed: "No. 2. Rec^{d} in Govr Claiborne's, 12 Jan^{y}, 1806."]

[162] This letter was sent to Caso Calvo through Captain Ross of the Battalion of Orleans volunteers. Ross was instructed to use force should Casa Calvo endeavor to proceed to New Orleans.

JUDGE COBURN TO MADISON

August 15, 1807, Mayville, Kentucky.

BIBLIOGRAPHY: From the Department of State, Washington, Bureau of Rolls and Library, Papers relating to Louisiana and the Southern Boundary, 1806-1818.

COBURN TO MADISON

Kentucky, Mayville, Augt 15th, 1807.

SIR: I returned a short time past from the Territory of Louisiana;[163] during my stay there, the Legislature

[163] The original province of Louisiana was divided into the two territories of Orleans and Louisiana: the first extending from the gulf to the thirty-third parallel, and including the older and then more important part; and the second including the territory north of the above parallel, with St. Louis as its capital. On the admission of the state of Louisiana into the Union in 1812, the northern territory was renamed Missouri. The act authorizing the division of the purchase was passed March 26, 1804. The divided government proved distasteful to the Louisianians. The "Territory of Louisiana" of the present letter, refers of course to the northern territory. See: Adams. *History*, vol. ii and iii; and Gayarré. *History*, vol. iii.

The following extract from a letter (entitled "Separate observations") dated St. Louis, November 4, 1804 (conserved in the Bureau of Rolls and Library, Department of State, Territorial Papers, vol. i, "Louisiana"), shows conditions in Upper Louisiana or Louisiana Territory:

"I conceive it may not be improper to mention some circumstances concerning the Petition from the Committee held in September last at this Place, before my arrival, for tho' I have not read that Memorial I have heard it much spoken of, and I have reason to think a Paper, said to be a copy of it, may have been sent to the public printer for insertion, in which case it will be found different from the original, that pretended copy having been taken from the first draft of it before its ultimate correction. It seems the act of Congress of March last concerning Louisiana created some discontent in the minds of People here, they wished and expected a Government of their own. It hurt their pride to be made dependent on Indiana for Officers and Laws, because their population and territory are much more extensive than those of their neighbours. They conceived the act of Congress infringed some of the Rights insured to them by the Treaty, placing them in a more degraded situation than other territories of the United States. They formed a Convention in which a Committee was chosen to draw up a Petition to Congress. The Member who made the sketch of the Memorial was sent out before my arrival and I have not seen him, but I am told he is a man of warm passions and I conceive him to be probably of a character such as I have known many in the French Revolution, who allowed their exalted ideas to run away with their understanding and could not distinguish between the true principles of liberty, and those leading to Anarchy and despotism. . . I have a particular satisfaction at the same time in saying that the inhabitants are much pleased with Govr Harrisson now here. His affability and easy access form a strong contrast with what they had been accustomed to — all the *disinterested* sensible men among them are glad of the change of Government, but there are some, as you will easily believe who

were employed in enacting several important Laws, for the Government of the Territory.[164] It may not be con-

have prejudices which time and experience will wipe away – there are others who enjoyed, or were directly concerned in, expensive privileges, or had certain advantages which attached them to the former system. I am speaking of the French part of the inhabitants, whose sentiments I know best by their considering me as one of themselves on account of the language and my very long residence in France. The appearance of hostilities with Spain – an idea many of them have of this part of the country being about to be receded to that nation for the Floridas, are topics often brought forward which have tended to shew me the real inclinations of some and they open their minds with less reserve by not considering me in the light of a stranger." – Letter unsigned – "From a man who went up Mississippi to become acquainted with Peltry trade."

[164] Many of the acts passed at St. Louis are to be found in manuscript in the Bureau of Rolls and Library, Department of State, Papers and records of the Territories. Dates and titles of some of these acts follow:

1806

May 6. A law creating the office of attorney general, and defining the duties of the same.

May 26. An act to prohibit the sale, exchange, or gift of any spiritous, vinous, or other strong liquors to Indians.

June 27. A law respecting the district of Arkansas.

June 28. A law in addition to a law entitled "A law establishing and regulating the militia."

July 8. An act for raising district rates and levies.

July 8. An act to prevent the discharging of firearms in the town of St. Louis.

July 8. An act creating the offices of district and territorial treasurers.

July 9. An act supplementary to an act entitled "An act establishing and regulating the militia."

July 9. An act concerning prison bounds.

July 9. An act to license and regulate taverns.

July 9. An act concerning marriage.

July 9. An act concerning public roads and highways.

July 9. An act to prevent leed horses from running at large.

July 9. An act concerning the collection of bills of cost.

July 9. An act regulating ferries.

October 28. An act for the appointment of the clerks of the general court.

1807

May 7. A law to amend an act entitled "A law establishing courts of judicature."

May 30. An act ascertaining the fees of the several officers and persons therein named and regulating the payment of costs or indictments.

June 23. An act providing a summary mode to recover public records and papers illegally withheld.

June 25. An act to enable the governor to appoint notaries public, and defining their duties.

June 25. An act authorizing the governor to offer a reward for apprehending criminals in certain cases.

sidered as improper if I offer some few remarks respecting that Country. From the collected information derived from different sources, the most correct knowledge of this distant Territory may be obtained. We found the few indigested Laws, which were in operation, extremely inadequate to the proper administration of Justice, and the Government of the Territory. The mass of Law heretofore in force was composed of crude and very discordant materials. The usages and customs, derived from the Spanish Government. The Laws organizing the Territorial Government, with perhaps the Ordinance of 1787, and with those the whole system of English Common Law; together with the Laws enacted by the Governor and Judges of the Indiana Territory. From this extensive source, proceeded the administra-

June 27. An act regulating the proceedings in writs of habeas corpus.

June 27. An act to enable persons held in slavery to sue for their freedom.

July 3. An act establishing the office of coroner, and defining the powers and duties appertaining to the same.

July 3. An act establishing courts of justice and regulating judicial proceedings.

July 4. An act directing the probate of wills and the descent of interstates' real estates and distribution of their personal estates, and for other purposes therein mentioned.

July 4. An act directing the method of proceeding against absent and absconding debtors.

July 4. An act providing for the division of districts into townships and for the appointment of justices of the peace and constables.

July 4. An act for establishing orphants' courts.

July 6. An act regulating the militia.

July 7. An act extending the powers of the courts of common pleas and quarter sessions and other officers of the district of New Madrid over certain parts of this territory formerly composing the district of Arkansas.

July 7. An act for the recovery of debts and demands not exceeding sixty dollars before a justice of the peace.

July 7. An act in addition to an act establishing Recorders' offices, and providing a mode by which married women may release their right of dower.

October 16. An act concerning insolvent debtors.

October 20. An act in addition to an act entitled "An act establishing courts of justice and regulating judicial proceedings."

October 20. An act concerning mortgages.

tion of Justice, and in practice it was found totally inadequate to the peculiar situation of the Territory. The usages and customs of the Spanish Government, said to be in force, in Louisiana, are extremely difficult to ascertain, and in many instances not susceptible of proof. There being no regular record kept of the decisions, rendered by the several Commandants; and altho the Courts have in several instances resorted to parol proof, to ascertain a particular usage; the dangers attendant on this practice are obvious. The recollection of uninformed men, and the interested views of others, both as to the existence or extent of a decree of a Commandant, or a particular custom, is in general too imperfect, to afford a proper guide to a decision. There are doubts existing, whether those usages and customs are really engrafted into the system of Laws by the Acts of Congress organizing the Territory. To remedy the evils arising from this source and to meet the wishes of the French inhabitants, we were induced to incorporate in our Laws, several leading commercial customs; existing in the Country for a series of years. Those customs are peculiar to the Country, and are perhaps necessary for the convenience of the trading part of society. For example, we permit a debtor in certain contracts, to have the alternative, to pay his creditors in peltry, lead or cash. We permit the Merchant who advances the merchandize for a trading voyage with the Indians; to retain a species of lien, on the peltry and furs produced by the voyage, in preference to subsequent or other debts contracted by the voyager. It was our wish to assimilate by insensible means, the habits and customs of the American and French inhabitants; by interweaving some of the regulations of the latter into our Laws, we procure a ready obedience, without violence or com-

plaint. We consider this policy as good and founded on substantial Justice.

I would here take the liberty to remark, that altho some of our American Citizens have entertained strong prejudices, against the manners, habits, language and religion of the French settlers in Louisiana. Those settlers appear to me, to be an inoffensive and peaceable people, little disposed to disturb the harmony of Government, and I think they will be found to be easily governed; as they are strangers to riot, tumults and drunkenness. It is true that, they are unhappy at this particular period. And they assign as reasons; that their land claims are unsettled, and that the administration of Justice is dilatory. That there should be some causes of uneasiness is by no means surprising. The change of Government, the prospect that their language, religion, manners and influence are about to be swallowed up in the American character, are some causes of unpleasant sensations. It only requires that a temper of conciliation, mixed with impartial Justice should be observed by the rulers of the Territory—That they should feel and act superior to national, local, religious or civil distinctions; and endeavor to blend in a common mass, the various characters of settlers who may be resident in that country. The fostering hand of our mild and rational Government, needs but faithful agents to produce happiness, harmony and obedience in the Territory of Louisiana. Government only requires correct information to act with propriety towards all its dependencies; and those on whom the important change of Government is to operate, only want candid and faithful representations made to them, in order to produce a ready and willing obedience to the Laws. I have ventured to suggest those few thoughts respecting

the French settlers in that Territory, from a sense of duty and to endeavor to promote a correct knowledge of them. An object of extreme importance and essential to the happiness of that Territory is the speedy adjustment of the early claims to Land; the actual and bona fide occupant and the early grantee, would feel happy if their claims were once determined. And until this event takes place, that description of people will feel unsettled, remain at the mercy of the speculator, and be more easily acted upon by the discontented.

It appears to be the wish of the members at present composing the Legislature of the Territory of Louisiana, that a system of Laws should be adopted for its government, as plain, simple and intelligible as practicable. They unwillingly yield to a necessity of engrafting obscure, and undefined usages and customs, and prefer that such customs as may be deemed proper to be continued, should be introduced by express Legislative acts, in preference to construction. They reluctantly would incorporate the unwieldly mass of written and unwritten Law of England into the Territory.

And altho they are sensible that it would require considerable Legislative industry to frame a code of Laws, calculated to embrace the various cases, which may occur, yet the task would be less arduous, to frame a system to operate on an infant Territory, than on an highly civilized people. It would perhaps be desirable, that some portion of the American soil should be governed by Laws of domestic origin, and that it should be exempt from the shackles of European Law, as much as possible. The Legislature I presume would feel no disposition to enter too deeply into the field of experiment, nor would they venture to embarrass the inhabitants of the Territory with [projects: *crossed out*] theories untried.

They would endeavor to disentangle the system of Laws, from unmeaning forms, and incorporate principles, sanctioned by the experience of Americans, having great regard to any circumstances peculiar to the Territory.

I shall return in a few weeks to St. Louis, and should be much gratified by any observations, which any member of the Administration would please to furnish conducive to the government of the Territory of Louisiana.[165]

I am, sir, with sincerity, y^r m^o ob^t JN^o COBURN.

[Addressed: "The Honb^e James Madison."]

[Endorsed: "Augt 15, 1807. Judge Coburn, Rec'd, Sept. 6th."]

[165] See Lucien Carr's *Missouri* (Boston and New York, 1888), 82-116, for the history of Louisiana Territory (the northern division of the purchase), 1804-1812. See also this period in Houck's *History of Missouri*.

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